



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD) No.3046 of 2020

S.Vijayalakshmi

... Petitioner

/vs./

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai-06.

3.The Joint Director of School,
Education (VOC), College, Road,
Chennai-06.

4.The Chief Educational Officer,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to refix the time scale of pay from 10.06.2002 by extending the benefits of the G.O.Ms.No.74, School Education Department dated 10.06.2002 and consequently to regularize the petitioner from 10.06.2002.

For Petitioner : Mr.R.Saravanan
For Respondents : Mr.A.Thiagarajan
Government Advocate

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. Though the petitioner has sought for issuance of writ of mandamus to direct the respondents to refix the time scale of pay from 10.06.2002 by extending the benefits of the G.O.Ms.No.74, School Education Department dated 1.06.2002 and consequently to regularize the petitioner from 10.06.2002, in my view, such a decision is to be taken by the third respondent and in case, the petitioner is aggrieved against such any decision, it would be appropriate to approach this Court.

3. The petitioner would submit that she has already made representation on 17.12.2019 in this regard, which is said to be pending. If the said representation is directed to be disposed of within stipulated time, the ends of justice could be secured.



4. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. Such an inaction would amount to dereliction of duties and thereby this Court would be justified in invoking its extraordinary powers under Article 226 of Constitution of India and thereby direct such authority to consider the representation within the stipulated time.

5. In view of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 17.12.2019, on its own merits and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its view with regard to the claim made by the petitioner in her representation and it is for the third respondent to consider it in accordance with law.

6. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To:

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.

2.The Director of School Education,
College Road, Chennai-06.

3.The Joint Director of School,
Education (VOC), College, Road,
Chennai-06.

4.The Chief Educational Officer,
Theni District.

+1 CC to M/s.R.SARAVANAN, Advocate (SR-6482[F] dated 14/02/2020)

+1 CC to M/s.SPL.GP (SR-6589[F] dated 17/02/2020)

Order made in
W.P.(MD)No.3046 of 2020

SMA/26/02/2020/2P/7C

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