



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD) No.3432 of 2020

and

W.M.P.(MD) No.2887 of 2020

M.Subhadra

... Petitioner

/vs./

1.The Government of TamilNadu,
Rep by its Secretary to Government,
Department of School Education,
Fort St.George, Secretariat,
Chennai-600 009.

2.The Director of School Education,
D.P.I. Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Nagercoil, Kanyakumari District.

4.The Headmaster,
Government Higher Secondary School,
Marthandam and Post,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, to direct the respondents to sanction and disburse the eligible incentive increment to the petitioner for acquiring M.A., M.Ed in the light of order passed in W.P.No.17025 of 2014 and W.A.No.426 of 2008 and in the ligh of G.O.Ms.No.240 School Education Department dated 18.08.2010, G.O.Ms.No.1023 dated 09.12.1993 and G.O.Ms.No.17, School Education Department, dated 08.01.2008, G.O.Ms.No.209, School Education Department dated 08.07.2010 by considering the representation of the petitioner dated 28.11.2015.

For Petitioner : Mr.S.C.Herold Singh
For Respondents : Mr.A.Thiyagarajan
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 sanction and disburse the eligible incentive increment to her for acquiring M.A., M.Ed, in my view, such a decision is to be taken by the respondents 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 a representation on 28.11.2015 in this regard, which is said to be pending. If the said representation is directed to be disposed of within a 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 respondents herein to consider the petitioner's representation, dated 28.11.2015, on its own merits and pass appropriate orders within a period of eight (8) 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 respondents to consider it in accordance with law.

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

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To:

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

2.The Director of School Education,
D.P.I. Campus,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.C.HEROLD SINGH, Advocate (SR-7360[F] dated
20/02/2020)

+1 CC to M/s.Special Govt.Pleader (SR-7544[F] dated 21/02/2020)

Order made in
W.P.(MD)No.3432 of 2020

cp
SDS (10.03.2020) 3P-6C