



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4771 of 2020

R.Sivakumar

... Petitioner

Vs.

1.The Chief Educational Officer,
Chief Educational Office,
Dindigul District.

2.The Headmistress,
Government Higher Secondary School,
Ammaiyanayakkanur,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, of directing the first respondent ie., the Chief Educational Officer, Dindigul District to pass appropriate orders on the petitioner's representation dated 10.01.2020 regarding sanction of second incentive for acquisition of M.Phil. Degree on 19.09.2016, as per specific provision contained in G.O.(1D).No.18, School Education Department, dated 18.01.2013, within a stipulated time. Frame that may be fixed by the court.

For petitioner

: Ms.L.Juliet Caroline

For respondents

: Mr.R.Thiyagarajan,
Government Advocate

ORDER

By consent, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The learned counsel for the petitioner submitted that in the year 2014, the petitioner was appointed as B.T. Assistant (History) and in the year 2014, he completed M.A.(History) course and in the year 2016-2017, he completed M.Phil degree course. For acquisition of M.A.(History), he has been given first incentive increment. But, he has not been given any incentive increment for acquisition of M.Phil degree course. As per G.O.(1D).No.18, School Education (E2) Department, dated 18.01.2013, the petitioner is entitled to second incentive increment. Hence, the petitioner has submitted a representation dated 10.01.2020 to the first respondent in this regard. As the same has not been considered by the first respondent, the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submitted that though



the petitioner has come up with a larger relief, the petitioner would be satisfied if a direction is given to the first respondent only to consider the representation dated 10.01.2020 within a stipulated time.

4. The learned Government Advocate appearing for the respondents submitted that the first respondent would consider the representation of the petitioner, dated 10.01.2020, as early as possible.

5. Whenever a representation is made to a statutory authority to redress the claim of the employee, there is a duty cast upon the official 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 duty 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.

6. In view of the above, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 10.01.2020 in the light of G.O.(1D).No.18, School Education (E2) Department, dated 18.01.2013 and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to send a copy of the representation dated 10.01.2020, along with a copy of this order, to the first respondent for early consideration of the matter.

7. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcb



To

1.The Chief Educational Officer,
Chief Educational Office,
Dindigul District.

WEB COPY

+1 CC to M/s.L.JULIET CAROLINE, Advocate (SR-10377[F] dated
06/03/2020)

+1 CC to M/s.SPL.GP (SR-10556[F] dated 09/03/2020)

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06.03.2020

KB(20/03/2020) 3P 4C