



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.258 of 2021

J.Chithirai Selvi

...Petitioner

Vs.

1.The District Educational Officer,
Vallioor, Tirunelveli District.

2.The Block Educational Officer,
Vallioor, Tirunelveli District.

3.The Correspondent,
St. Joseph's Middle School,
Kizhavneri,
Vallioor Via,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent herein to disburse the yearly increments and all other monetary benefits to the petitioner w.e.f. date of appointment i.e. 13.07.2012.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.A.Thiyagarajan for R1 and R2
Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate, for the respondents 1 and 2.

2.Since the petitioner's request to the respondents to disburse the yearly increments and all other monetary benefits to the petitioner w.e.f. date of appointment i.e. 13.07.2012, was not considered, the Writ Petition has been filed. According to the petitioner, the third respondent school has made a representation in this regard on 19.08.2020, which is still pending.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, 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. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution



of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, it would be appropriate to direct the first respondent herein to consider the representation made by the third respondent school dated 19.08.2020, within a stipulated time and thereby the ends of justice could be secured. It is made clear that this Court has not expressed any of its view with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. Accordingly, there shall be a direction to the first respondent to consider the representation made by the third respondent school dated 19.08.2020, on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Educational Officer,
Vallioor, Tirunelveli District.

2.The Block Educational Officer,
Vallioor, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7805[F] dated 01/03/2021)

W.P. (MD) No.258 of 2021

26.02.2021

=

NS (CO)

KK(12.03.2021) 2P 4C