



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

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

W.P.(MD) No.567 of 2021

and

W.M.P (MD) No.483 of 2021

WEB COPY

S.Alice Christinal

...Petitioner

Vs

- 1.The Director of School Education,  
O/o the Director of School Education,  
DPI Compound,  
College Road, Chennai.
- 2.The Chief Educational Officer,  
Office of the Chief Educational Office,  
Virudhunagar, Virudhunagar District.
- 3.The District Educational Officer,  
O/o, the District Educational Office,  
Sivakasi, Virudhunagar District.
- 4.The Correspondent,  
SCMS Girls Higher Secondary School,  
Sachiapuram, Sivakasi,  
Virudhunagar 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 the incentive increment to the petitioner for having acquired B.Ed degree without insisting prior permission from the department within the period that may be stipulated by this Court.

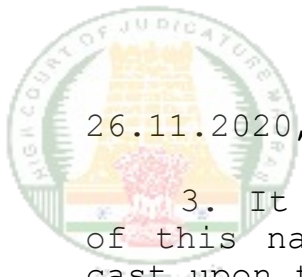
For Petitioner : Mr.C.Venkatesh Kumar  
for M/s.Ajmal Associates

For Respondents : Mr.N.Shanmugaselvam  
Additional Government Pleader

**O R D E R**

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

2.Since the petitioner's request to the respondents to sanction the incentive increment to him for having acquired B.Ed degree without insisting prior permission from the department were not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on



26.11.2020, 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 third respondent herein to consider the petitioner's representation dated 26.11.2020, within a stipulated time and thereby the ends of justice could be secured.

5. Accordingly, there shall be a direction to the third respondent to consider the petitioner's representation dated 26.11.2020, in the light of the proposal sent by the fourth respondent dated 01.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of six 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 (CO)

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/ /2021

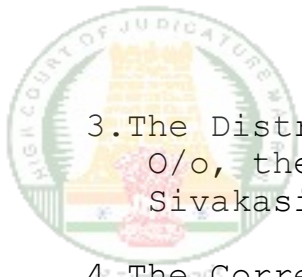
Sub Assistant Registrar(CS)

cp

**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 Director of School Education,  
O/o the Director of School Education,  
DPI Compound, College Road, Chennai.
2. The Chief Educational Officer,  
Office of the Chief Educational Office,  
Virudhunagar, Virudhunagar District.



3.The District Educational Officer,  
O/o, the District Educational Office,  
Sivakasi, Virudhunagar District.

4.The Correspondent,  
SCMS Girls Higher Secondary School,  
Sachiapuram,  
Sivakasi, Virudhunagar District.

+1 CC to M/s.GP ( SR-1496[F] dated 20/01/2021 )

Order made in  
W.P. (MD) No.567 of 2021  
19.01.2021

(PU) CO  
AP (29/01/2021) 3P 6C