



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1902 of 2021

T.Maheswari

...Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.

2.The Chief Educational Officer,
Virudhunagar.

3.The Head Master,
Municipality Middle School,
Ramamoorthi Salai,
Virudhunagar.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to award incentive increment to the petitioner for acquiring higher studies of M.Phil with effect from 27.01.2016 as per G.O.Ms.No.116 dated 15.10.2020 and proceedings of the first respondent dated 21.10.2020 based upon the representation of the petitioner dated 27.10.2020.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.N.Shanmugaselvam

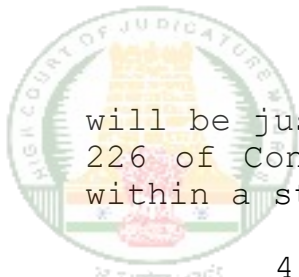
Additional Government Pleader

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 award incentive increment to her for acquiring higher studies of M.Phil with effect from 27.01.2016 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 27.10.2020, 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 second respondent herein to consider the petitioner's representation dated 27.10.2020, 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 second respondent to consider the petitioner's representation dated 27.10.2020, 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 (RTI Act)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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,
College Road,
Chennai-6.

2. The Chief Educational Officer,
Virudhunagar.

3. The Head Master,
Municipality Middle School,
Ramamoorthi Salai,
Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.K.K.KANNAN, Advocate (SR-3561[F] dated 05/02/2021)

+1 CC to M/s.SPL GP (SR-3554[F] dated 05/02/2021)

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W.P. (MD) No.1902 of 2021
04.02.2021

MA (CO)
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