



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.2343 of 2021

N.Suruliammal

...Petitioner

Vs.

1.The Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-9.

2.The Director of School Education,
DPI compound,
College Road,
Chennai-600 006.

3.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Theni District.

4.The Assistant Project Officer,
Samagra Shiksha (Integrated School Education Scheme),
Theni, Theni District.

5.The Supervisor,
Block Resource Centre,
Near Government Higher Secondary School,
Uthamapalayam,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third respondent to grant selection grade of pay to the petitioner on completion of 10 years of service in the post of Block Resource Teacher Educator with effect from 25.07.2017 by way of considering the representation of the petitioner dated 26.12.2020 within the time period stipulated by this Court.

For Petitioner

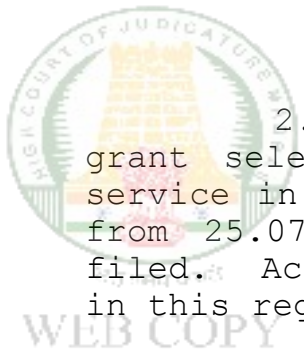
: Mr.T.Lajapathi Roy

For R-1 to R-3

: 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 grant selection grade pay to her on completion of 10 years of service in the post of Block Resource Teacher Educator with effect from 25.07.2017 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 26.12.2020, 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 26.12.2020, 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 third respondent to consider the petitioner's representation dated 26.12.2020, 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 (AS)

// True Copy //

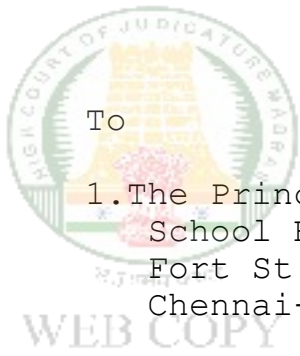
/ /2021

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.

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



To

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3.The Chief Educational Officer,
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Theni District.

+1 CC to Mr.T.LAJAPATHY ROY, Advocate (SR-4407[F] dated
11/02/2021)

+1 CC to SPL GP (SR-4664[F] dated 12/02/2021)

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VB (26.02.2021) 3P 6C