



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.2735 of 2021

WEB COPY

G.Edward Jebas Victor

...Petitioner

Vs.

1.The District Educational Officer,
Thoothukudi @ Pudukottai,
Thoothukudi District.

2.The Block Educational Officer,
Srivaikundam, Thoothukudi District.

3.The Correspondent,
TNDTA Middle School,
Kovankadu,
Srivaikuntam Taluk,
Thoothukudi 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 with effect from, date of appointment i.e., 01.12.2011.

For Petitioner : Mr.A.Ajith Geethan

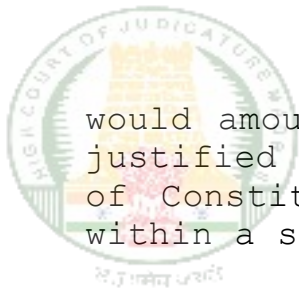
For Respondent : Mr.A.Thiyagarajan
Nos. 1 & 2 Government Advocate

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 representation submitted by the 3rd respondent School dated 17.11.2020, recommending grant of increment to the petitioner has not been considered by the 1st respondent, the petitioner has filed the present writ petition.

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 1st respondent herein to consider the representation of the 3rd respondent School dated 17.11.2020 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 1st respondent to consider the representation of the 3rd respondent School dated 17.10.2020 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-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The District Educational Officer,
Thoothukudi @ Pudukottai,
Thoothukudi District.

2. The Block Educational Officer,
Srivaikundam,
Thoothukudi District.

+1 cc to The Special Government Pleader Sr.No.5370

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