



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.3639 of 2021

WEB COPY

A.Asan Jasmine
B.T.Assistant (Science),
S.M.Cardar Meea Saiba Hr.Sec.School,
Pattaikulam, Tirunelveli,
Tirunelveli District. ...Petitioner

Vs.

1.The District Educational Officer,
O/o. The District Educational Office,
Valliyoore,
Tirunelveli District.

2.The Correspondent,
S.M.Cardar Meera Saiba Hr.Sec.School,
Pettaikulam,
Radhapuram Taluk,
Tirunelveli District. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to approve the petitioner's permitted salary increment from the year 2017 and thereby re-fixing her salary on par with VII Pay Commission on the basis of the above increments to her in the post of B.T.Assistant (Science) in the second respondent school within the time frame by considering the written representation of the second respondent dated 07.12.2020 and also in the light of the orders passed by this Court in W.P(MD) Nos.3681, 3682, 3683 and 3684 of 2018 dated 26.03.2018 and W.P(MD) No.14118 of 2020 dated 17.12.2020.

For Petitioner : Mr.K.Sankar

For R-1 : Mr.A.Thiyagarajan,
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. Since no adverse order is going to be passed against the third respondent, notice to them is dispensed with.



2. Since the petitioner's request to the respondents to approve her permitted salary increment from the year 2017 and thereby re-fixing her salary on par with VII Pay Commission on the basis of the above increments to her in the post of B.T. Assistant (Science) in the second respondent school was not considered, the Writ Petition has been filed. According to the petitioner, the second respondent school has made a representation in this regard on 07.12.2020, 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 first respondent herein to consider the second respondent's representation dated 07.12.2020, 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 second respondent's representation dated 07.12.2020, in the light of the order passed in W.P(MD) No.14118 of 2020, dated 17.12.2020, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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



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

The District Educational Officer,
O/o. The District Educational Office,
Valliyoor, Tirunelveli District.

+1 CC to M/s.K.SANKAR, Advocate (SR-10746[F] dated 12/03/2021)

W.P.(MD) No.3639 of 2021

tp(CO)

TR(07.04.2021) 3P 3C