



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.4856 of 2021

WEB COPY

- 1.S.P.Poonkodi,
- 2.A.Veerammal
- 3.M.Lillypushpam
- 4.C.Jakulinesanthi
- 5.K.Latha Grace
- 6.K.R.Selvi

...Petitioners

Vs.

- 1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
- 2.The Chief Educational Officer,
Sivagangai District,
Sivagangai.
- 3.The District Educational Officer,
Devakottai Education District,
Sivagangai District.
- 4.The Block Educational Officer - I,
Devakottai Block, Devakottai,
Sivagangai District.
- 5.The Block Educational Officer - II,
Devakottai Block, Devakottai,
Sivagangai 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 pass orders granting incentive increment to the petitioners in the post of Middle School Headmistress for acquiring B.Ed., Degree qualification, as per G.O.Ms.No.107, Education Department, dated 20.01.1976 and G.O.Ms.No.1024 Education, Science and Technology Department, dated 09.12.1993, in the light of the orders passed by this Court in similar cases, by considering the representations submitted by the petitioners, with all consequential and other attendant benefits, including payment of arrears of salary as well as revision of salary as per VII Pay Commission Recommendation,



within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Thiyagarajan
Government Advocate

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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.The petitioners have filed this writ petition to direct the respondents to pass orders granting incentive increment to the petitioners in the post of Middle School Headmistress for acquiring B.Ed., Degree qualification, as per G.O.Ms.No.107, Education Department, dated 20.01.1976 and G.O.Ms.No.1024 Education, Science and Technology Department, dated 09.12.1993, in the light of the orders passed by this Court in similar cases, by considering the representations submitted by the petitioners, with all consequential and other attendant benefits, including payment of arrears of salary as well as revision of salary as per VII Pay Commission Recommendation, within a time frame to be fixed by this Court. They have made representations on 01.02.2020 and 04.11.2020, in this regard.

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 petitioners' representations dated 01.02.2020 and 04.11.2020, 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 petitioners 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 first respondent to consider the petitioners' representation dated 01.02.2020 and 04.11.2020, 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 I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Elementary Education,
DPI Campus, College Road,
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2.The Chief Educational Officer,
Sivagangai District,
Sivagangai.

3.The District Educational Officer,
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4.The Block Educational Officer - I,
Devakottai Block, Devakottai,
Sivagangai District.

5.The Block Educational Officer - II,
Devakottai Block, Devakottai,
Sivagangai District.

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR NO.10137

W.P. (MD) No.4856 of 2021
09.03.2021

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