



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.5246 of 2021

and W.M.P. (MD).No.4199 of 2021

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K.Mary Jeyakani Pankajam

...Petitioner

Vs.

1. The Director of School Education,
O/o. The Director of School Education,
DPI Compound,
College Road,
Chennai.
2. The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar.
3. The District Educational Officer,
O/o. The District Educational Office,
Sivakasi,
Virudhunagar District.
4. The Correspondent,
SCMS Girls Higher Secondary School,
Sachiapuram,
Sivakasi,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 3rd respondent to sanction the incentive increment to the petitioner for having acquired B.Ed., Degree in the light of the proposal sent by the fourth respondent vide his proceedings Nil, dated 23.02.2021, within the period that may be stipulated by this Court.

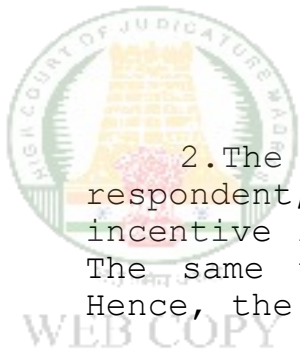
For Petitioner : Mr.C.Venkatesh Kumar
for M/s. Ajmal Associates

For Respondents : Mr.N.Shanmuga Selvam, for R1 to R3
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.

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2. The fourth respondent school has sent a proposal to the third respondent, on 23.02.2021, seeking approval for sanctioning of the incentive increment to the petitioner for possessing B.Ed., Degree. The same was not considered by the third respondent till date. Hence, the present writ petition has been filed.

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 fourth respondent's proposal, dated 23.02.2021, 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 fourth respondent's proposal dated 23.02.2021, 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,

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ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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Virudhunagar District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10480[F] dated 11/03/2021)

W.P. (MD) No.5246 of 2021
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VB (07.04.2021) 3P 5C