



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.[MD]No.5774 of 2021

S.Manjula

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of Elementary Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai - 600 006.

3.The District Elementary Education Officer,
Dindigul District,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to re-fix the salary of the petitioner in the pay scale of Rs.12850 + 4300 GP with effect from 15.07.2009 and pay all attendant monetary benefits to the petitioner in the light of the petitioner's representation dated 23.02.2021, within the time frame fixed by this Court.

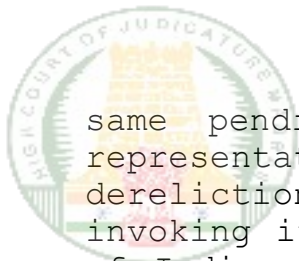
For Petitioner : Mr.R.Subramanian
For Respondents : Mr.A.Thiyagarajan,
Government Advocate.

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.

2. Since the petitioner's request to the respondents to re-fix his salary in the pay scale of Rs.12850 + 4300 GP with effect from 15.07.2009 and to pay all attendant monetary benefits was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 23.02.2021, 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.

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4. In the light of the above observations, it would be appropriate to direct the second respondent herein to consider the petitioner's representation 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 second respondent to consider the petitioner's representation dated 23.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three [3] months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

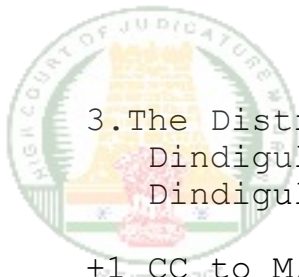
NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Director of Elementary Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai - 600 006.

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



3.The District Elementary Education Officer,
Dindigul District,
Dindigul.

+1 CC to M/s.R.SUBRAMANIAN, Advocate (SR-11293[F] dated
16/03/2021)

+1 CC to M/s.SPL GP (SR-11541[F] dated 16/03/2021)

W.P.[MD]No.5774 of 2021
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NA (CO)
KB (09.04.2021) 3P 6C