



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.5868 of 2021
and W.M.P. (MD) .No.4601 of 2021

M.Cyrelie Helena

...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,
Tenkasi,
Tenkasi District.
- 3.The District Educational Officer,
O/o. The District Educational Office,
Sankaran Kovil,
Tenkasi District.
- 4.The Block Educational Officer,
O/o, The Block Educational Office,
Sankaran Kovil,
Tenkasi District.
- 5.The Correspondent,
T.D.T.A. Primary School,
Sankaran Kovil,
Tenkasi 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 sanction incentive increment to the petitioner for having acquired M.Ed. and M.A(Tamil), Degree as was granted in respect of the similarly placed persons vide G.O.(3D).No.13, School Education Department, dated 06.02.2015 and by considering the petitioner's representation, dated 14.12.2020, with 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 R4
Additional Government Pleader

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ORDER

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 sanction incentive increment to the petitioner for having acquired M.Ed. and M.A(Tamil), Degree as was granted in respect of the similarly placed persons vide G.O.(3D).No.13, School Education Department, dated 06.02.2015, was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 14.12.2020, 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 respondents herein to consider the petitioner's representation dated 14.12.2020, 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 respondents to consider the petitioner's representation dated 14.12.2020, 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. Consequently, connected miscellaneous petition is closed.

WEB COPY

Sd/-

Assistant Registrar(CS-II)

// 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, 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 School Education,
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- 4.The Block Educational Officer,
O/o, The Block Educational Office,
Sankaran Kovil,
Tenkasi District.



5.The Correspondent,
T.D.T.A. Primary School,
Sankaran Kovil,
Tenkasi District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-11807[F] dated
17/03/2021)

+1 CC to M/s.SPL GP (SR-12281[F] dated 18/03/2021)

W.P. (MD) No.5868 of 2021
16.03.2021

SMV(CO)
TR(20.04.2021) 4P 8C