



WEB COPY

WP(MD) No.6013 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.6013 of 2021

and

W.M.P (MD) No.4706 of 2021

S.Sree Bharanai

...Petitioner

Vs.

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

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The District Educational Officer,
Virudhunagar, Virudhunagar-District.

4.The Block Educational Officer,
Sathur-626 203,
Virudhunagar-District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third and fourth respondents to sanction and disburse salary to the petitioner by re-fixing the pay on a par with that of her junior Mr.M.Murugesan, with all attendant benefits including the arrears of salary and allowances w.e.f. 01.07.2012 within a reasonable time as may be specified by this Court.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents : Mr.N.Shanmugaselvam
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.

2.Since the petitioner's request to the respondents to sanction and disburse salary to her by re-fixing the pay on a par with that of her junior Mr.M.Murugesan, with all attendant benefits

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including the arrears of salary and allowances w.e.f. 01.07.2012 was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 07.01.20217, 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 fourth respondent to consider the petitioner's representation dated 07.01.20217, 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 fourth respondent to consider the petitioner's representation dated 07.01.20217, 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 II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
College Road, Chennai-600 006.

3.The District Educational Officer,
Virudhunagar, Virudhunagar-District.

4.The Block Educational Officer,
Sathur-626 203, Virudhunagar-District.

+1 CC to M/s.SPL GP (SR-12548[F] dated 19/03/2021)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-12611[F] dated 19/03/2021)

W.P. (MD) No.6013 of 2021

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TP (CO)

KK(07.04.2021) 3P 7C