



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.6083 of 2021

WEB COPY

J.Stella

...Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
Chennai-6.

2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar District.

3.The District Educational Officer,
O/o. the District Educational Officer,
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 third respondent to provide one bonus increment to the petitioner for stagnating in the post of Secondary Grade Teacher for more than 30 years with effect from 12.08.2018 with all consequential benefits and arrears in accordance with the Government Order in G.O.Ms.No.562 Finance (Pay Cell) Department dated 28.10.1998 within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
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 provide one bonus increment to her for stagnating in the post of Secondary Grade Teacher for more than 30 years with effect from 12.08.2018 with all consequential benefits and arrears was not considered, the Writ Petition has been filed. According to the petitioner, she has made a petition in this regard on 24.02.2021, which is still pending.

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3. It is needless to point out that whenever a representation/petition 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/petition 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 petitioner's petition dated 24.02.2021, 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 petitioner's petition dated 24.02.2021, on its own merits and pass appropriate orders in accordance with law, within a period of three months 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 ()

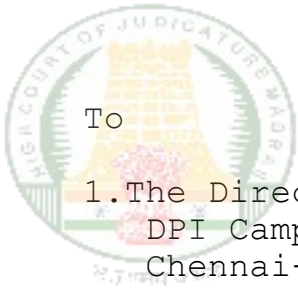
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Sub Assistant Registrar(CS)

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.

cp



To

1.The Director of School Education,
DPI Campus,
Chennai-6.

2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Virudhunagar District.

3.The District Educational Officer,
O/o. the District Educational Officer,
Sivakasi,
Virudhunagar District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12396[F] dated
19/03/2021)

+1 CC to M/s.SPL GP (SR-12487[F] dated 19/03/2021)

**W.P. (MD) No.6083 of 2021
18.03.2021**

GS(20.04.2021) 3P 6C