



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.6011 of 2021

R.Ajin

...Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
Chennai-600 006.

2.The District Educational Officer,
Thiruvattar,
Kanyakumari District.

3.The Headmaster,
Yettacode Higher Secondary School,
Yettacode,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent herein to disburse the incentive increment benefits to petitioner with interest in the light of the proceedings passed by him vide Na.Ka.No.3464/A2/2019 dated 15.12.2019 on the basis of the petitioner's representation made before him by RPAD dated 27.10.2020 within a time frame fixed by this Court.

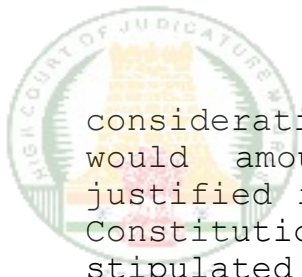
For Petitioner	: Mr.B.Brijesh Kishore
For R-1 and R-2	: Mr.A.Thiyagarajan Government Advocate
For R-3	: Mr.A.Senthilkumar

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 disburse the incentive increment benefits to him with interest was not considered the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 27.10.2020, 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.

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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 27.10.2020, 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 second respondent to consider the petitioner's representation dated 27.10.2020, 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. While considering such representation, the second respondent herein shall also call for objections of the third respondent, if any.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CSIII)

// 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 Director of School Education,
DPI Campus,
Chennai-600 006.

2. The District Educational Officer,
Thiruvattar,
Kanyakumari District.

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



+1 CC to M/s.A.SENTHIL KUMAR, Advocate (SR-12137[F] dated 18/03/2021)

+1 CC to M/s.SPL GP (SR-12160[F] dated 18/03/2021)

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-12557[F] dated 19/03/2021)

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NA(CO)
KB(07.04.2021) 3P 6C