



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6018 of 2021

A.Cecily Josephin Jeya
Secondary Grade Teacher,
RC Primary School,
Veikalipatti,
Tenkasi District.

...Petitioner

Vs.

1.The Director of Elementary Education,
College Road, Chennai-06.

2.The Chief Educational Officer,
Tenkasi District at Tenkasi.

3.The District Educational Officer,
Tenkasi, Tenkasi District.

4.The Block Educational Officer,
Kadayam, Tenkasi District.

5.The Correspondent,
RC Primary School,
Veikalipatti, Tenkasi 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 District Educational Officer to sanction monetary benefits attached to the post of Secondary Grade Teacher viz., Annual Increments, Earned Leave Arrears etc including the re-fixation of salary towards VII th Pay Commission on par with similarly placed persons in the fifth respondent school.

For Petitioner : Mr.S.Xavier Rajini

For R-1 to R-4 : 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 monetary benefits attached to the post of Secondary Grade Teacher viz., Annual Increments, Earned Leave Arrears etc including the re-fixation of salary towards VIIth Pay Commission on par with



similarly placed persons in the fifth respondent school was not considered, the Writ Petition has been filed. According to the petitioner, she has made a representation in this regard on 06.01.2021, 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.

4. In the light of the above observations, it would be appropriate to direct the third respondent herein to consider the petitioner's representation dated 06.01.2021, 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 representation dated 06.01.2021, 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.

Sd/-

Assistant Registrar (records)

// 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 Elementary Education,
College Road, Chennai-06.

2.The Chief Educational Officer,
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3.The District Educational Officer,
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4.The Block Educational Officer,
Kadayam, Tenkasi District.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-12365[F] dated
19/03/2021)

+1 CC to M/s.SPL GP (SR-12549[F] dated 19/03/2021)

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SGS(CO)
KB(15.04.2021) 3P 7C