



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.6118 of 2021

S.Alaguraj

...Petitioner

Vs.

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

2.The Joint Director of School Education
(Hr.Sec.Education),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Sivagangai District,
Sivagangai.

4.The Chief Educational Officer,
Pudukottai District,
Pudukottai.

5.The Principal Accountant General (A&E),
361, Anna Salai,
Teynampet,
Chennai-600 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider the representation dated 20.01.2021 of the petitioner, in the light of the judgment dated 14.06.2011 passed in W.P(MD) No.9381 of 2008 by this Court and "restore the petitioner's pay fixation in the post of High School Headmaster from 20.10.2003 by granting one increment of Rs.275/- in the time scale of pay of Rs.8000-275-13500 (i.e. Restore my pay at Rs.9375+ PP.100) and refund the sum of Rs.9381/- collected from the petitioner and grant of consequential monetary benefits and revised pensionary benefits" within a time limit to be fixed by this Court.



For Petitioner : Mr.A.Thirumurthy
For R-1 to R-4 : Mr.N.Shanmugaselvam
Additional Government Pleader
For R-5 : Ms.S.Mahalakshmi

WEB COPY

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 restore of one increment granted on promotion as Headmaster, High School/Supervisor, Block Resource Centre was not considered, the Writ Petition has been filed. According to the petitioner, he has made a representation in this regard on 20.01.2021, 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 first respondent herein to consider the petitioner's representation dated 20.01.2021, 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 first respondent to consider the petitioner's representation dated 20.01.2021, 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(AE)

WEB COPY

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

2.The Joint Director of School Education (Hr.Sec.Education),
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Sivagangai District, Sivagangai.

4.The Chief Educational Officer,
Pudukottai District, Pudukottai.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-12260[F] dated
18/03/2021)

+1 CC to M/s.SPL GP (SR-12547[F] dated 19/03/2021)

W.P.(MD) No.6118 of 2021

18.03.2021

MJ(CO)

TR(20.04.2021) 3P 7C