



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.7391 of 2021

R.Annammal

...Petitioner

Vs.

- 1.The Chief Educational Officer,
Tenkasi District at Tenkasi.
- 2.The District Educational Officer,
Sankarankovil, Tenkasi District.
- 3.The Block Educational Officer,
Vasudevanalloor, Tenkasi District.
- 4.The Correspondent,
RC Primary School, Velayuthapuram,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd 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 VIIth pay Commission on par with similarly placed persons in the 4th respondent school.

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.N.Shanmuga Selvam for R1 to R3
Additional Government Pleader

O R D E R

Since no adverse order is going to be passed against the fourth respondent, notice to them is dispensed with. By consent of the parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.This Writ petition has been filed for issuance of Writ of Mandamus, directing the 2nd 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 VIIth pay Commission on



par with similarly placed persons in the 4th respondent school. According to the petitioner, he 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 first and second respondents 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 first and second respondents 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 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 (CS-II)

// 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 Chief Educational Officer,
Tenkasi District at Tenkasi.
- 2.The District Educational Officer,
Sankarankovil, Tenkasi District.
- 3.The Block Educational Officer,
Vasudevanaloor, Tenkasi District.

+1 CC to M/s.S.XAVIER RAJINI, Advocate (SR-14678[F] dated
31/03/2021)

+1 CC to M/s.SPL GP (SR-14988[F] dated 01/04/2021)

W.P. (MD) No.7391 of 2021
31.03.2021

SDS (24.04.2021) 3P 6C