

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.16479 of 2022

G.Swaminathan

... Petitioner

/vs./

1.The State of Tamil Nadu,
Represented by the Secretary,
School Education Department,
Fort St.George,
Chennai-600 009.

2.The Commissioner of School Education,
Directorate of School Education,
DPI Complex, College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to rectify the pay anomaly in the case of the petitioner and to order for re-fixation of pay within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the Chief Educational Officer, Nagapattinam on 27.07.2015, which was forwarded to the second respondent, enclosing the proposal for rectification of pay anomaly. Again the Chief Educational Officer, Nagapattinam sent a proposal to the second respondent, dated 19.07.2017. On 16.02.2021, the second respondent has sought for additional necessary details for revision of pay, for which, the Chief Educational Officer, Thiruvarur sent a corrected proposal, dated 15.04.2021 to the second respondent. Since the said proposal was not considered, the present Writ Petition has been filed.

3. It is needless to point out that whenever a proposal 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 proposal

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, there shall be a direction to the second respondent herein to consider the proposal of the Chief Educational Officer dated 15.04.2021 on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views 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. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

27.07.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Secretary,
The State of Tamil Nadu,
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WP(MD)No.16479 of 2022

M.S.RAMESH, J.

btr

Order made in
W.P.(MD)No.16479 of 2022

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27.07.2022