



W.P.(MD).No.18563 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

**W.P.(MD).No.18563 of 2022
and
W.M.P.(MD).No.13492 of 2022**

P.Francis Amutha

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
rep., by the Secretary,
Department of School Education,
Fort St.George, Madras 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Virudhunagar District.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
Virudhunagar District.
- 5.The Block Educational Officer,
The Office of the Block Educational Officer,
Rajapalayam, Virudhunagar District.
- 6.The Correspondent,
St.Joseph Middle School,
Sundranachiapuram,
Rajapalayam Via, Virudhunagar District. 626 142

...Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider and pass order on the representation of the sixth respondent dated 06.10.2021 in the light of the judgment in *Secretary to Government Vs., S.Jeyalakshmi* reported in **2016 (4) L.W. 841**, and directing the respondents to allow increment and incentive for the petitioner, Mrs.P.Francis Amutha, as B.T.Assistant (Science), working in St.Joseph's Middle School, Sundranachiapuram, Rajapalayam Via, Virudhunagar District 626 142, w.e.f. 01.08.2011 with all service benefits and arrears of increment, incentive, leave surrender and other attendant benefits.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates
For Respondents : Mr.V.Nirmal Kumar (For R1 to R5)
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The sixth respondent herein had submitted a proposal to the fourth respondent on 06.10.2021 seeking for incentive increment for the petitioner. Since the said proposal was not considered, the present writ petition has been filed.



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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 fourth and fifth respondents herein to consider the proposal of the sixth respondent, dated 06.10.2021 on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks 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 respondents to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

16.08.2022

Index : Yes / No

Internet : Yes/ No

Rmk

To

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- 3.The Chief Educational Officer,
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- 5.The Block Educational Officer,
The Office of the Block Educational Officer,
Rajapalayam, Virudhunagar District.



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M.S.RAMESH, J.

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