



WP(MD)No.19135 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2022**

CORAM:

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

W.P.(MD)No.19135 of 2022

M.Bhuvaneswari

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
rep., by its Secretary of Government,
School Education Department,
Secretariat, St.George Fort,
Chennai -09.
- 2.The Director of School Education,
O/o., The Director of School Education,
DPI Compound College Road,
Chennai-06.
- 3.The Chief Education Officer,
O/o., The Chief Educaiton Officer,
Tirunelveli District.
- 4.The District Educational Officer,
O/o., The District Educational Officer,
Tirunelveli District.
- 5.Papanasam Labour Welfare Association Hr.Sec.School,
rep., by its Secretary,
Vickramasingapuram, Papanasam,
Tirunelveli District-627 425.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to disburse the annual increments, incentive increments, surrender leave and other consequential benefits and arrears with effect from 08.08.2011 without insisting qualification of Teacher Eligibility Test (TET) to the petitioner in the light of the Judgment in W.P(MD).No.1336 of 2019 dated 05.02.2020 and in W.P(MD).No.4991 of 2021 dated 09.03.2021 within a time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.A.Kannan (for R1 to R4)
Additional Government Pleader
No appearance (for R5)

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 respondents on 26.01.2022 seeking to disburse the annual increments, incentive increments, surrender leave and other consequential benefits and arrears with effect from 08.08.2011 without insisting qualification of Teacher Eligibility Test (TET). Since the said representation was not considered, the present writ petition has been filed.



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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, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 26.01.2022 on its own merits and in the light of the order passed by this Court in W.P(MD).No.1336 of 2019 dated 05.02.2020 and in W.P(MD).No.4991 of 2021 dated 09.03.2021 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 respondent to consider the same on its own merits.



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5. With the above direction, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Internet : Yes / No

Rmk

TO:

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M.S.RAMESH, J.

Rmk

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