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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2022

CORAM:

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

W.P.(MD)No.20616 of 2022

C.Meena Poorani ... Petitioner

/vs./

1.The Government of Tamil Nadu,
rep., by its Principal Secretary to Government
(School Education)
Fort St.George, Chennai -9.

2.The Government of Tamil Nadu,
rep., by its Principal Secretary to Government,
(Finance Department)
Fort St.George, Chennai -9.

3.The Director of Elementary Education,
College Road, Chennai -6.

4.The District Educational Officer,
Cheranmahadevi, Tirunelveli District.

5.The Block Educational Officer II,
Pappakudi, Tirunelveli District.

6.S.S.K.V.Sala Primary School,
rep., by its Headmaster (Since under Direct Payment)
Mukkudal, Tirunelveli District. ... 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 fifth respondent herein to award incentive increment for M.A., degree with effect from the date of passing of the said degree to the petitioner herein with attended benefits by getting finance concurrence from the second respondent herein as stipulated in G.O.Ms.No.37 Personal and Administrative Reforms (FR-IV) Department, dated 10.03.2020.

For Petitioner : Mr.T.Pon Ramkumar
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 petitioner herein had given a representation to the respondents on 22.10.2020 seeking for incentive increment. Since the said representation was not considered, the present writ petition has been filed.

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-

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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 respondents 1 and 5 herein to consider the petitioner's representation dated 22.10.2020, 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 respondents to consider the same on its own merits.

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

01.09.2022

Index : Yes / No
Internet : Yes / No
Rmk

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M.S.RAMESH, J.

Rmk

Order made in
W.P.(MD)No.20616 of 2022

Dated:
01.09.2022

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