



W.P.(MD).No.23640 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.(MD).No.23640 of 2019

P.Ganapathy

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
Chennai-600 006.

2.The Joint Director of School Education (Vocational),
DPI Campus,
Chennai-600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent Nos. 1 and 2 to re-fix the scale of pay of the petitioner on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.967 Education (HS.3) Department, dated 16.10.1992 along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor within the time period stipulated by this Court.

For Petitioner

: Mr.Aswin Rajasimman
for M/s.T.Lajapthi Roy



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For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

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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 second respondent on 28.09.2019 seeking for re-fixation of the scale of pay of the petitioner on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O.(1D).No.967 Education (HS.3) Department, dated 16.10.1992 along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor. 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-consideration of the representation by the Statutory Authority would



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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 petitioner to give a fresh representation to the second respondent, though he has made a representation, dated 28.09.2019, seeking for re-fixation of the scale of pay of the petitioner on par with the scale of pay sanctioned to similarly placed vocational instructors by extending the benefit of Government Order in G.O. (1D).No.967 Education (HS.3) Department, dated 16.10.1992 along with consequential monetary benefits to the petitioner for the service rendered in the post of Vocational Instructor. On receipt of such representation, the second respondent herein is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a fresh representation. It is made clear that this Court has not expressed any of its views with regard to the claim of the petitioner to have given an application for compassionate appointment nor his entitlement for the same 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. There

shall be no order as to costs.

05.07.2022

Index : Yes / No
Internet : Yes/ No
btr/TM

To

1.The Director of School Education,
DPI Campus,
Chennai-600 006.

2.The Joint Director of School Education (Vocational),
DPI Campus,
Chennai-600 006.



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M.S.RAMESH, J.

btr/TM

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