



W.P.No.33169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2023

CORAM:

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

**W.P.No.33169 of 2023**

1. E.Elumalai  
S/o.Eluvan
2. M.Marimuthu  
S/o.Maruthai
3. P.Veerassamy  
S/o.Pitchai Pillai
4. M.Vijaya  
W/o.R.Manian
5. A.Janaki  
D/o.Ammaiyappa
6. V.Sellamuthu  
S/o. Veeran
7. A.Sundararaju  
S/o.Appavoo Pillai
8. K.Vijayalakshmi  
W/o.Kumarasamy
9. M.Meenakshi  
D/o.Muthusamy

...Petitioners



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Vs

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1. The Government of Tamil Nadu  
Represented by the Secretary to Government  
School Education Department  
Fort St.George, Chennai-600 009.
2. The Director of Elementary Education  
Chennai-600 006.
3. The Chief Educational officer  
Karur, Karur District.
4. The District Educational Officer  
Karur, Karur District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to consider the petitioners' representation dated 20.01.2020 in the light of the orders passed by this Hon'ble Court in W.P.No.38449 of 2006 dated 05.01.2010 and issue appropriate orders directing that the petitioners should be awarded the Secondary Grade cadre pay scale and arrears of pay for the respective period of service rendered by them as Higher Grade Teachers by treating the said service as Secondary Grade Service and consequently, direct the respondents to count the said period of service rendered by them as Secondary Grade Service for all purpose.

For Petitioners : Mr.P.Rajendran

For Respondents : Mr.M.Bindran  
Additional Government Pleader



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## **ORDER**

Mr.M.Bindran, learned Additional Government Pleader accepts notice for respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners herein has given a representation to the respondents on 20.01.2020, seeking to award Secondary Grade cadre pay scale and arrears of pay for the respective period of service rendered by them as Higher Grade Teachers by treating the said service as Secondary Grade Service. Since the said representation has not been considered till date, 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 them 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



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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 herein, to consider the petitioners' representation dated 20.01.2020, 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 petitioners 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.

No costs.

**28.11.2023**

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation : Yes/No

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To

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**M.S.RAMESH,J.**

*mk*

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