



W.P.No.18573 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.18573 of 2023

S.Malliga

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Accountant General (A&E),
Office of the Principal Accountant General,
Anna Salai, Teynampet,
Chennai - 600 018.
- 3.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 4.The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
- 5.The Headmaster,
VRCKS Government Higher Secondary School,
Kovilur, Cheyyar Taluk,
Thiruvannamalai District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to sanction the 2nd incentive increment to the petitioner acquiring M.Com degree, in the light of W.P.No.20113 of 2018 & batch of cases dated 13.03.2019, W.P.(MD) No.14017 of 2021, dated 09.06.2022 and W.P.(MD) No.13502 of 2020 dated 20.07.2022 to the petitioner and revise the pay arrears and pensionary benefits.

For Petitioner : Mr.P.Murali

For R1, R3 & R4 : Mr.P.Gurunathan,
Additional Government Pleader

ORDER

Heard Mr.P.Murali, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents 1, 3 and 4.

2. In view of the order to be passed in this Writ Petition, no prejudice would be caused to the second and fifth respondents and hence, notice to the said respondents is dispensed with.



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3. The petitioner herein had given a representation to the second respondent on 05.12.2022, seeking for sanctioning the second incentive increment for having acquired M.Com., degree. The said representation has not been considered till date. Hence, the petitioner has approached this Court by way of this Writ Petition.

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 invoking its extraordinary powers under Article 226 of the Constitution of the 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 second and fourth respondents herein to consider the petitioner's representation dated 05.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of eight weeks from the



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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 made by the petitioner 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.

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Index:Yes/No

Speaking order/Non-speaking order

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M.S.RAMESH,J.

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