



W.P.No.30913 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30913 of 2023

E. Sarasu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Joint Director of School Education (Vocational),
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

4.The Chief Educational Officer,
Chengalpattu District,
Chengalpattu.

5.The District Educational Officer (Secondary),
Maduranthakam Educational District,
Chengalpattu District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to continue to pay incentive increment to the petitioner from the year 2014 for acquiring M.Phil., degree and further to sanction incentive increment for acquiring P.G.Diploma in Yoga from the year 2017, as permitted as per G.O.Ms.No.324 Education, Science and Technology Department dated 25.04.1995 and G.O.Ms.No.177 School Education Department dated 13.10.2016 including arrears of salary and other service benefits based on revised salary, in consideration of representation submitted by the petitioner dated 21.04.2014.

For Petitioner : Mr.S. Nedunchezhiyan

For Respondents : Mr.M. Alagu Gowtham,
Government Advocate

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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2. This Writ Petition has been filed seeking for a direction to the respondents to continue to pay incentive increment to the petitioner from the year 2014 for acquiring M.Phil., degree and further to sanction incentive increment for acquiring P.G.Diploma in Yoga from the year 2017, including arrears of salary and other service benefits based on the revised salary. The petitioner herein had given a representation to the third respondent on 21.04.2014, requesting to withdraw the audit objection and to pay the incentive increments. In this regard, he had also given a representation on 06.07.2018 to the School. Since the said representations have 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 invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.



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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 21.04.2014, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.

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

31.10.2023

Index:Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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Chennai – 600 006.
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M.S.RAMESH,J.

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