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W.P.No.34493 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.34493 of 2023

M.Babulakshmanan

... Petitioner

Vs.

1.The State Commissioner for the
Differently Abled,
O/o. The State Commissionerate for
Welfare of the Differently Abled,
No.5, Kamarajar Salai,
Lady Wellington College Campus,
Chennai – 600 005.

2.The Head Master,
Government Higher Secondary School
for Deaf & Handicapped,
Ilakkiyampatti, Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to grant incentive increment for M.A., (History) from the date of petitioner's initial appointment in the light of the G.O.Ms.No.42, Education Department dated 10.01.1969 and based on his representations dated 20.08.2019 and 02.12.2020 within time limit that may be stipulated by



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this Court.
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For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mrs.V.Yamuna Devi,
Special Government Pleader

ORDER

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

2. The petitioner herein has given representations to the respondents on 20.08.2019 and 02.12.2020, seeking to grant incentive increment for M.A., (History) from the date of his initial appointment. 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,



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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.

4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representations dated 20.08.2019 & 02.12.2020, on their 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 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.

15.12.2023

Index:Yes/No

Speaking order/Non-speaking order



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M.S.RAMESH,J.

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To

- 1.The State Commissioner for the Differently Abled,
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