



W.P.(MD).No.813 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.813 of 2024
and W.M.P(MD)No.807 of 2024

1.Hosphine Chithra
Correspondent of R.C.St.Cecilia's Middle School,
Manamadurai.

2.P.Dennis Mary

... Petitioners

Vs

1. The State of Tamil Nadu,
Rep.By its Secretary,
Department of School Education,
Fort St.George, Chennai - 09.
2. The Director of School Education,
Director of School Education,
College Road, Chennai - 06.
3. The Chief Education Officer,
Chief Educational Office,
Manamadurai,
Sivagangai District.
4. The District Education Officer,
District Educational Office,
Sivagangai, Sivagangai District.
5. The Block Educational Officer,
Block Education Office,
Manamadurai, Sivagangai District.



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... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 4 and 5 respondents to consider the representation, dated 07.08.2023 sent on 16.08.2023 and pass appropriate order to disburse the annual increment, promotional benefits and all other monetary benefits to Sr.P.Dennis Mary/ 2nd petitioner, working as a B.T.Assistant (Maths) teacher from 13.06.2018 onwards in R.C. St. Cecilia's Middle School, Manamadurai – 630 606, Sivagangai District within a time stipulated by this Court.

For Petitioner : Mr. D.Nallathambi

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the 4 and 5 respondents to consider the representation, dated 07.08.2023 sent on 16.08.2023 and pass appropriate order to disburse the annual increment, promotional benefits and all other monetary benefits to Sr.P.Dennis Mary/ 2nd petitioner, working as a B.T.Assistant (Maths) teacher from 13.06.2018 onwards in R.C. St. Cecilia's Middle School, Manamadurai – 630 606, Sivagangai District within a time stipulated by this Court.



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2.By consent of both parties and considering the limited relief sought for by the petitioner, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents. Perused the materials on record.

4.(i).The petitioner's School is a Government Aided Minority School and receiving grant-in-aid from the State Government of Tamil Nadu. One Ms.S.Roobi, died during the course of service period and hence, the said post fell vacant in the petitioner's School.

(ii).There was a shortage of Mathematics teacher in the petitioner's School and hence, based on the requirement, the School management decided to appoint B.T.Assistant (Maths) Teacher. Pursuant to G.O.Ms.No.144, School Education Department, dated 04.07.2008 steps were taken by the School and the said post has been converted as a B.T.Assistant, wherein, one P.Dennis Mary/2nd petitioner was appointed from 13.06.2018. The said conversion was



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approved by the fourth respondent, vide proceedings, dated 02.01.2019 approved her appointment from 13.06.2018.

(iii).Pursuant to the appointment made, the certificates of the second petitioner also verified and the salary was also disbursed. Subsequently, there was no revision of pay scale for the past five years viz., 01.04.2019, 01.04.2020, 01.04.2021, 01.04.2022 and 01.04.2023. The fourth and fifth respondents were not inclined to disburse the annual increments and other monetary benefits to the second petitioner. Hence, from 13.06.2018 onwards the second petitioner has drawn only the basic salary till date.

(iv).Since the second petitioner has continuation in service, she is entitled for increments, incentives, promotion and other monetary benefits from 13.06.2018. Hence, the second petitioner submitted a representation, dated 07.08.2023 to the fourth and fifth respondents and a reminder was also made on 16.08.2023 to disburse the annual increments and other benefits from 13.06.2018. The same was not considered. Hence, this petition came to be filed.

5. 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



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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 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.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of this case, this Court hereby directs the fourth and fifth respondents to consider the representation of the second petitioner, dated 07.08.2023 and the reminder sent on 16.08.2023 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.

7.Accordingly, this writ petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM



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To

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L.VICTORIA GOWRI, J.

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**ORDER IN
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and W.M.P(MD)No.807 of 2024**

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