



W.P.(MD).No.1025 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1025 of 2024

Preenus P.Rayen

... Petitioner

Vs

1. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
2. The District Educational Officer,
Tirunelveli District, Tirunelveli.
3. The Correspondent,
St. Xaviers Higher Secondary School,
Palayamkottai, Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and accordingly award Selection / Special Grade scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears to petitioner based on his representation dated 28.11.2023 within the time frame stipulated by this Court.



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For Petitioner : Mr. Aayiramk Selvakumar

For Respondents : Mr.N.Ramesh Arumugam (R1,R2)
Government Advocate

ORDER

The present writ petition has been filed seeking a direction to the respondent to extend the benefit of G.O.Ms.No.216, Finance (PC) Department, dated 22.03.1993 and accordingly award Selection / Special Grade scale of pay with effect from 01.06.1988 and revision of pensionary benefits and pay arrears to the petitioner based on his representation, dated 28.11.2023 within the time frame stipulated by this Court.

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. Considering the limited scope and relief sought for in the petition, notice to the third respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2. Perused the materials on record.



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4.(i).The petitioner was appointed as a Secondary Grade Teacher in St. Xavier's Higher Secondary School, Palayamkottai on 09.06.1973. He was given with Selection Grade from 06.06.1983 and from 06.06.1993 he was given with Special Grade. On the completion of 30 years of service, he retired from service on superannuation on 30.09.2005.

(ii).The promotion of the Secondary Grade Teacher in primary school is on par with Primary School Headmaster. Such an opportunity is not available to the Higher Secondary School teachers. Hence, the Government has issued a G.O.Ms.No.216, dated 22.03.1993 to clear the discrimination and to fix the uniformity to all secondary grade teachers. However, practically the said G.O. is not implemented and he was not issued with the revision of pensionary benefits and arrears of pay. Therefore, he gave a representation on 28.11.2023 to the first respondent. However, the same was not considered and kept pending. 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 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,



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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.

6.Considering the limited scope of the relief sought for by the petitioner, without going into the merits of the case, this Court hereby directs the first respondent to consider the representation of the petitioner, dated 28.11.2023 and pass appropriate orders in accordance with law, within a period of ten (10) weeks, from the date of receipt of a copy of this order.

7.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

19.01.2024

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



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To

1. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
2. The District Educational Officer,
Tirunelveli District, Tirunelveli.



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L.VICTORIA GOWRI, J.

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