



W.P.(MD).No.1684 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 07.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1684 of 2024

R.Lakshmi Narayani

Vs

....Petitioner

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Nungambakam, Chennai-600 006.
- 3.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.
- 4.The District Educational Officer (Secondary),
Tiruchirappalli,
Tiruchirappalli District.
- 5.Vivekananda Higher Secondary School,
Represented by its Secretary,
Thirupparaithurai,
Tiruchirappalli District.

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation, dated 30.12.2023 and award incentive increment



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to the petitioner for the qualification of M.Phil (English) with effect from 18.01.2013, within a time frame fixed by this Court.

For Petitioner : Mr.M.Saravanan

For R1 – R4 :Mr.M.Sarangan
Additional Government Pleader

For R5 :Mr.T.Antony Arul Raj

ORDER

The present writ petition has been filed seeking direction to the respondents to consider the petitioner's representation, dated 30.12.2023 and award incentive increment to the petitioner for the qualification of M.Phil (English) with effect from 18.01.2013, within a time frame fixed by this Court.

2. The 5th respondent is a non-minority aided school. The petitioner was appointed as B.T Assistant in the 5th respondent school in consolidated pay and she was regularized with effect from 01.06.2006. At the time of joining service, she had completed B.A (English), M.A (English) and B.Ed. After joining the 5th respondent school, after obtaining proper permission from the school, she pursued M.Phil (English) and in the year 2010, she was awarded with M.Phil degree by Bharathidasan University. As per the Government Orders, she is entitled to 2 sets of 4 incentive increments for the



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higher qualification, namely M.A (English) and M.Phil (English). She gave several representations to the 5th respondent to award incentive increment for the said higher qualifications. However, the 5th respondent had informed the petitioner and other teachers that the 4th respondent office has directed them not to sent any proposal for award of incentive increment for the qualification of M.Phil as they were awaiting clarification from the Government. In the meanwhile, the Government issued G.O.(1D)No.18, dated 18.01.2013 confirming that B.T Assistants are entitled to advance increments for M.Phil qualification. In spite of the same, incentive increment was not awarded to the petitioner. Subsequently, in the year 2019, the 4th respondent awarded incentive increment for M.A (English). But did not sanction incentive increment for M.Phil qualification to the petitioner and similarly placed teachers in the 5th respondent school. Hence, the petitioner made several representations and the last of which was on 30.12.2023. Since the same was not considered, this writ petition came to be 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 the respondent 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 made by the Statutory Authority



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would amount to dereliction of duty and hence, this Court will be justified in invoking the extraordinary powers under Article 226 of the Constitution of India.

4. Without going into the merits of the case, this Court hereby directs the respondents 2 to 4 to consider the representation of the petitioner, dated 30.12.2023 and pass appropriate orders in accordance with law within a period of twelve (12) weeks from the date of receipt of copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs.

07.02.2024.

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

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To

1.The Principal Secretary,
The Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

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



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3.The Chief Educational Officer,
Tiruchirappalli,
Tiruchirappalli District.

4.The District Educational Officer (Secondary),
Tiruchirappalli,
Tiruchirappalli District.



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L.VICTORIA GOWRI, J.

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