



W.P.(MD).No.2839 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2839 of 2024

M.Prince Gnanaprakash

...Petitioner

Vs

**1.The District Elementary Educational Officer,
Paramakudi,
Ramanathapuram District.**

**2.The Block Educational Officer,
Block Educational Office,
Kadaladi, Ramanathapuram District.**

**3.The Headmaster,
Panchayat Union Middle School,
Adancheri,
Ramanathapuram District.**

...Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to sanction two incentive increments and disburse the same with arrears to the petitioner forthwith from the date of possessing additional qualification within a time as may be stipulated by this Court by considering the representation of the petitioner, dated 07.11.2023.

For Petitioner : Mr.K.Jeyamohan



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For Respondents :Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to sanction two incentive increments and disburse the same with arrears to the petitioner forthwith from the date of possessing additional qualification within a time as may be stipulated by this Court by considering the representation of the petitioner, dated 07.11.2023.

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

3. The petitioner was appointed as a Secondary Grade Teacher in Thirukazhugundram Union Primary School at Kanchipuram on 03.11.2004. Thereafter, he was transferred to the 3rd respondent school on 11.04.2007. In the meanwhile, a criminal case was preferred against him by one Mangalamani and an F.I.R came to be registered in Crime No.98 of 2010 on the file of Kuruvikulam Police Station, Tenkasi District. The same was taken cognizance in C.C.No.50 of 2010 on the file of the learned Judicial Magistrate Court, Sankarankovil. On 03.01.2018, he was acquitted from all



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the charges. In view of the criminal case, disciplinary proceedings were also initiated against him by the department, in which an Enquiry Officer was appointed. After receiving the petitioner's explanation, the Enquiry Officer submitted a report before the 1st respondent. The 1st respondent vide an order, dated 27.02.2020 imposed a punishment of stoppage of increment for 3 months with cumulative effect. During his service, after getting appropriate permission from his superior authority, he pursued Bachelor of Literature in Tamil and completed the same on May 2010 from Annamalai University. He also pursued Bachelor of Education from Indra Gandhi National Open University and completed the same by December 2015. In addition to that, he pursued Master of Arts and completed the same in December 2017 from Manonmaniam Sundaranar University. Hence, he is entitled to two incentive increments for additional qualification. However, in view of the pending disciplinary proceedings, the same was not sanctioned to him. Hence, he made a representation on 07.11.2023 to grant him with additional increments for all his additional qualification. Since the same was not considered, this writ petition came to be filed.

4. 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



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in one way or other instead of keeping the same pending indefinitely. As such, non-consideration of the representation made by the Statutory Authority 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.

5. Without going into the merits of the case, this Court hereby directs the 1st respondent to consider the representation of the petitioner, dated 07.11.2023 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.

6. With the above said observations, this Writ Petition stands disposed of. No costs.

12.02.2024.

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

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To

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Paramakudi,



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Ramanathapuram District.

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Block Educational Office,
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L.VICTORIA GOWRI, J.

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