



W.P.(MD).No.2938 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.2938 of 2024

N.Mani

... Petitioner

Vs

1. The Chief Educational Officer,
O/o.The Chief Educational Officer,
Sivagangai District.
2. The District Educational Officer,
O/o.The District Educational Officer,
Sivagangai District.
3. The Block Educational Officer,
O/o.The Block Educational Officer,
Thiruppathur Taluk, Sivagangai District.
4. The Panchayat Union Middle School,
Rep by its the Head Master,
Vaniyampatti, Thiruppathur Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing respondents to sanction incentive increment to the petitioner for acquiring M.A.(English),



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B.Ed., Degree qualification forthwith by considering the petitioner's representation, dated 04.01.2019 within the time stipulated by this Court.

For Petitioner : Mr. SC.Herold Singh
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents to sanction incentive increment to the petitioner for acquiring M.A. (English), B.Ed., Degree qualification forthwith by considering the petitioner's representation, dated 04.01.2019 within the time stipulated by this Court.

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

3.Heard, the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents. Perused the materials on record.

4.The petitioner served as Secondary Grade Teacher at Vaniyampatti Panchayat Union Middle School, Sivagangai District. Initially,



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he had completed B.A., English degree. After joining in the 4th respondent's School, after obtaining proper permission from the authorities, he had completed M.A., English during April, 2015 and B.Ed., during May, 2017. Despite completing two higher degrees, the petitioner is not paid with any incentive increment. Therefore, he made a representation to the third respondent on 04.01.2019 seeking for the incentive increment and the same was not considered. Hence, this writ 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, 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 direct the



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respondents to consider the representation of the petitioner, dated 04.01.2019 and pass appropriate order in accordance with law, within a period of twelve (12) 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.

09.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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O/o.The District Educational Officer,
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L.VICTORIA GOWRI, J.

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