



WP.(MD).No.6074 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.6074 of 2024

S.Selvamary

... Petitioner

Vs.

1.The Chief Educational Officer,
Tirunelveli District.

2.The District Educational Officer (Secondary),
Valliyur,
Tirunelveli District.

3.The Correspondent,
Annai Theresa High School,
Meenavan Kulam,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to release the monetary benefits of incentive increment to the higher qualification of M.Sc., as per the sanction order passed by the second respondent dated 13.08.2020 with all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents 1 & 2 : Mr.M.Sarangan

Additional Government Pleader



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ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the nature of the case, notice to the third respondent is dispensed with.

2.This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to direct the respondents to release the monetary benefits of incentive increment to the higher qualification of M.Sc., as per the sanction order passed by the second respondent dated 13.08.2020 with all consequential benefits.

3.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was appointed as a BT Assistant in the third respondent School on 01.06.2009. The appointment of the petitioner was approved by the first respondent on 14.11.2019. The petitioner had acquired higher education of M.Sc., even before entering into service and as such, she is entitled to get incentive increment for the higher qualification of M.Sc., from the date of her appointment. For which, she made a request to sanction incentive increment for higher qualification to the respondent authorities.



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She made a written request in this regard on 20.01.2020 and the third respondent forwarded the same to the first respondent on the same day. The petitioner's request was considered by the second respondent and an order dated 13.08.2020 was passed by sanctioning the incentive increment for the higher qualification of M.Sc. Though the same has been sanctioned as early as on 13.08.2020 till date, the monetary benefits has not been released. Hence, this Writ Petition came to be filed.

4.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 2 and carefully perused the entire materials available on record.

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 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 would amount to dereliction of duty and hence, this Court will be justified in



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invoking the extraordinary powers under Article 226 of the Constitution of India.

6.Considering the limited scope of relief sought for by the petitioner, this Court hereby direct the petitioner to make fresh representation to the second respondent through the third respondent seeking forthwith release of monetary benefits in terms of order passed by the second respondent vide proceedings dated 13.08.2020. On receipt of the same, the second respondent is directed to consider the same in accordance with law within a period of 12 weeks from the date of receipt of copy of this order.

7.Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

14.03.2024

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



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To

- 1.The Chief Educational Officer,
Tirunelveli District.
- 2.The District Educational Officer (Secondary),
Valliyur,
Tirunelveli District.



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L.VICTORIA GOWRI, J.

Mrn

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