



W.P.(MD)No.8196 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.8196 of 2024

M.R.Hemalatha

... Petitioner

Vs.

1.The Secretary,
Department of School Education,
St.George Fort,
Chennai.

2.The Director of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai.

3.The Chief Educational Officer,
Office of the District Educational Officer,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to re-fix the pay scale as per Rule 22B of the Fundamental Rules of the Tamil Nadu Government and disburse the eligible arrears by considering the petitioner's representation dated 06.06.2023 within a time limit stipulated by this Court.



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For Petitioner : Mr.R.L.Dhilipan Pandian

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 06.06.2023 seeking for re-fixation of pay scale as per Rule 22B of the Fundamental Rules of the Tamil Nadu Government and disburse the eligible arrears. Since the said representation was not considered, the present writ petition has been 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 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance



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of Writ of Mandamus. As the petitioner has made out a case for invoking the extraordinary powers of this Court under Article 226 of the Constitution of India, the respondents are required to be given with direction to consider the representation of the petitioner within a specified time frame.

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation dated 06.06.2023 on its own merits and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not gone into the merits of the claim of the petitioner and it is open to the third respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs.

03.04.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

WEB COPY

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R.N.MANJULA, J.

Nsr

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