



W.P.(MD)No.16230 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16230 of 2024

N.Nagesh

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai District.

2.The District Educational Officer,
O/o.the District Educational officer,
Aranthangi, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first and second respondents to sanction incentive increment to the petitioner for acquiring M.Phil (Physics) Degree qualification completed in the year April 2018 which is prior to G.O. (Ms)No.37 (Personnel and Administrative Reforms (FR-IV) Department) dated 10.03.2020 by considering the petitioner's representation dated 28.06.2019 and 01.07.2024 within the time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash
For Respondents : Mr.M.Sidharthan
Additional Government Pleader



W.P.(MD)No.16230 of 2024

ORDER

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Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.M.Sidharthan, learned Additional Government Pleader for the respondents.

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

3. The petitioner has filed this writ petition seeking a Writ of Mandamus to direct the first and second respondents to sanction incentive increment to the petitioner for acquiring M.Phil. (Physics) Degree qualification completed in the year April 2018 which is prior to G.O.(Ms)No.37 (Personnel and Administrative Reforms (FR-IV) Department), dated 10.03.2020 by considering the petitioner's representation dated 28.06.2019 and 01.07.2024 within the time stipulated by this Court.

4.The petitioner is working as a B.T.Assistant (Science). After such appointment she completed Higher Studies with prior permission and entered the same in the Service Register Book. However, the petitioner had not been paid with incentive increment. Hence, the petitioner made representations



W.P.(MD)No.16230 of 2024

dated 28.06.2019 and 01.07.2024 before the respondents seeking increment.

Since the same were not considered so far, the petitioner has filed this writ petition.

5. It is needless to point out that whenever a representation of this nature is made to a Government 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. The failure on the part of the authority had prompted the petitioner to file this petition for seeking relief through issuance 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 a direction to consider the application of the petitioner within a specified time frame.

6. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 01.07.2024 on its own merits and pass appropriate orders in accordance with law, within a period of four 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



W.P.(MD)No.16230 of 2024

of the petitioner and it is open to the respondents to consider the same on its own merits.

7. With the above direction, the Writ Petition stands disposed of.

No costs.

22.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai District.
- 2.The District Educational Officer,
O/o.the District Educational officer,
Aranthangi, Pudukottai District.



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W.P.(MD)No.16230 of 2024

R.N.MANJULA, J.

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W.P.(MD)No.16230 of 2024

22.07.2024