



W.P.(MD)No.22242 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2024

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THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.22242 of 2022

M.Lakshmi

... Petitioner

Vs.

1.The Chief Educational Officer,
Pudukottai District.

2.The District Educational Officer,
Illuppur, Pudukottai District.

3.The Block Educational officer,
Viralimalai,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to release the incentive increment for M.Phil., from 04.03.2017 to July 2019 and from November 2019 and to continue the same and confer all consequential benefits.

For Petitioners : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan

Government Advocate

ORDER

Heard Mr.V.Panneer Selvam, learned counsel for the petitioners
and Mr.T.Amjad Khan, learned Government Advocate 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 was appointed as a Secondary Grade Teacher and promoted as Elementary School Headmaster and promoted as Middle School Headmistress. After obtaining prior permission, the petitioner had completed M.Phil, in the year 2017. Therefore, she made a representation dated 13.01.2022 seeking an incentive increment for acquiring M.Phil degree. Since the same was not considered, the petitioner has filed this writ petition.

4.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 petitioners to file this petition for seeking relief through issuance of Writ of Mandamus. As the petitioners have 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 representation of the petitioner within a specified time frame.

5.In the light of the above observations, there shall be a direction to



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the respondent herein to consider the petitioners' representation dated 13.01.2022 on its own merits and in the light of the earlier judicial pronouncements 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 of the petitioner and it is open to the respondents to consider the same on its own merits.

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

No costs.

31.07.2024

NCC:yes/no
Internet:yes/no
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To

- 1.The Chief Educational Officer,
Pudukottai District.
- 2.The District Educational Officer,
Illuppur, Pudukottai District.
- 3.The Block Educational officer,
Viralimalai,
Pudukkottai District.



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R.N.MANJULA, J.

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