



W.P.(MD).No.31146 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.31146 of 2023

S.Amutha

... Petitioner

Vs

1. The Chief Educational Officer,
Thoothukudi.
2. The District Education Officer,
Thoothukudi.
3. The Secretary,
School Committee,
Subbiah Vidhyalayam Girls Higher Secondary School,
Thoothukudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider and dispose of the petitioner's representation, dated 11.12.2023 as expeditiously as possible within the time stipulation as prescribed by this Court.



W.P.(MD).No.31146 of 2023

For Petitioner : Mr.R.Anand

For Respondents : Mr.C.Suryananth
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a direction to the respondents 1 and 2 to consider and dispose of the petitioner's representation, dated 11.12.2023 as expeditiously as possible within the time stipulation as prescribed by this Court.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Considering the limited relief sought for by the petitioner, notice to the third respondent is dispensed with.

3.Heard, the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2. Perused the materials on record.

4.The petitioner was appointed as Secondary Grade Teacher on 23.07.1983 in the third respondent's School. He was granted Selection Grade



W.P.(MD).No.31146 of 2023

and thereafter, on 23.07.2005, he was given with Special Grade. However, while fixing the salary, the first respondent has failed to apply G.O.(Ms)No. 234, Finance Department, dated 01.06.2009. It fact, it was a mistake committed by the staff concerned. Since one S.Poonkani, who is a Junior to the petitioner has been paid with higher amount of salary from 22.08.2006 as per the said G.O. and her fixation of salary was calculated on her Special Grade status itself, whereas, in the petitioner's case, the petitioner was considered with regard to the fixation of salary on the basis of her status of service, which was prior to 01.01.2006.

5.Considering the grievances addressed by the affected teachers, the Government has passed the aforesaid G.O. It clearly spells out the methodology to be followed so as to clear out the pay anomaly being existed among the teachers of the same cadre. Pointing out such anomaly, the petitioner filed a detailed representation on 17.10.2023 and handed over the same to the third respondent, who is the competent Authority for placing her service records to the office of the respondents 1 and 2. The said representation along with service records were sent by the third respondent to the office of the first respondent and the same is pending more than the period of one and half



W.P.(MD).No.31146 of 2023

years. Hence, the petitioner gave a representation before the respondents 1 and 2 on 11.12.2023. Since the same was not considered, 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. In view of the same, without going into the merits of this case, this Court hereby direct the respondents 1 and 2 to consider the representation of the petitioner, dated 11.12.2023 and pass final orders in accordance with law, within a period of six (6) weeks, from the date of receipt of a copy of this order.



W.P.(MD).No.31146 of 2023

WEB COPY

7. Accordingly, this writ petition stands disposed of. There shall be

no order as to costs.

02.01.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Chief Educational Officer,
Thoothukudi.

2. The District Education Officer,
Thoothukudi.



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W.P.(MD).No.31146 of 2023

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.31146 of 2023

02.01.2024