



W.P.(MD)No.16738 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.16738 of 2025

and

W.M.P.(MD)No.12701 of 2025

P.Ashok Kumar

... Petitioner

-VS-

1.The Assistant Treasury Officer,
Sub Treasury Office, Melur, Madurai.

2.The District Educational Officer,
Melur, Madurai.

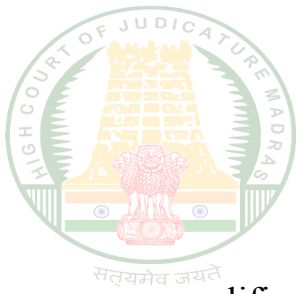
3.The Pay and Accounts Officer,
Pay and Accounts Office, Madurai.

4.The District Educational Officer,
Madurai District, Madurai.

5.Thiagarajar Higher Secondary School,
Rep. by its Secretary,
Theppakulam, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to act upon the proceedings of the fourth respondent in Mu.Mu.No.000617/A4/2020 dated 30.01.2020 and thereby grant incentive increment for acquiring higher



W.P.(MD)No.16738 of 2025

qualification and to disburse the petitioner's yearly increments from the year 2020 along with interest, by considering his representation dated 12.04.2025 and pass suitable orders on merits and in accordance with law, within the period that may be stipulated by this Court.

For Petitioner	:	Mr.M.Jerin Mathew
For R1 to R4	:	Mr.M.Siddharthan Additional Government Pleader
For R5	:	Mr.M.E.Ilango

ORDER

This Writ Petition has been filed seeking a direction to the first respondent to act upon the proceedings of the fourth respondent in Mu.Mu.No. 000617/A4/2020 dated 30.01.2020 and thereby grant incentive increment to the petitioner for acquiring higher educational qualification and to disburse the petitioner's annual increments from the year 2020 onwards along with applicable interest, by duly considering the petitioner's representation dated 12.04.2025 and to pass appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.



W.P.(MD)No.16738 of 2025

WEB COPY

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he is a qualified Physical Education Teacher, having completed B.A. (History) in 1997, Master of Physical Education & Sports in 2000, M.Phil in 2001 and Post Graduate Diploma in Yoga in 2003. He was appointed as a 'Physical Education Teacher' in the fifth respondent school on 24.06.2009 and has been serving in that post till date.

4. It is submitted that as per G.O.(Ms)No.177, dated 12.10.2016, the Government has granted incentive increments to the teachers who acquire higher qualifications. The petitioner qualifies for the same, having acquired multiple relevant higher qualifications. However, despite the proceedings of the fourth respondent in Mu.Mu.No.000617/A4/2020 dated 30.01.2020, recommending grant of incentive increment, the first respondent has failed to act upon it. Moreover, the petitioner's annual increments from the year 2020 onwards have not been disbursed, without assigning any reason. Such inaction is arbitrary, illegal and violative of the petitioner's service rights.



W.P.(MD)No.16738 of 2025

WEB COPY

5. The petitioner has also submitted a representation dated 12.04.2025, seeking redressal, but no action has been taken till date. Hence, the present writ petition is filed, seeking a direction to the first respondent to act upon the recommendation of the fourth respondent, grant the incentive increment for higher qualification and disburse the withheld yearly increments along with interest.

6. Heard both sides.

7. 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 him 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 the Constitution of India and direct them to consider the same within a stipulated time.



W.P.(MD)No.16738 of 2025

WEB COPY

8. In the light of the above observations, there shall be a direction to the respondents 1 and 2 herein to consider the petitioner's representation dated 12.04.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the respondents 1 and 2 to consider the same on its own merits.

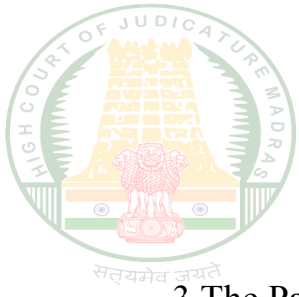
9. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
smn2

23.06.2025

To:-

- 1.The Assistant Treasury Officer,
Sub Treasury Office, Melur, Madurai.
- 2.The District Educational Officer,
Melur, Madurai.



W.P.(MD)No.16738 of 2025

3.The Pay and Accounts Officer,
Pay and Accounts Office, Madurai.

4.The District Educational Officer,
Madurai District, Madurai.



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W.P.(MD)No.16738 of 2025

VIVEK KUMAR SINGH, J.

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W.P.(MD)No.16738 of 2025

23.06.2025