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W.P.No.32113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32113 of 2023

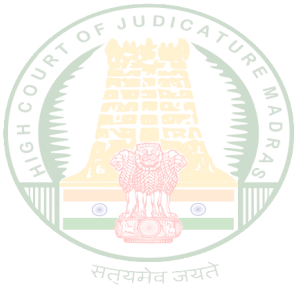
K. Senthamizh

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Chennai District,
Egmore, Chennai – 600 008.
- 4.The District Educational Officer,
Chennai North Education District,
SIDCO, Villivakkam,
Chennai – 600 049.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to sanction incentive increment in the post of B.T. Assistant for acquiring P.G. Degree qualification acquired by the petitioner with effect from 11.06.2016, in accordance with the sanctioned order issued by the District Educational Officer, Chennai East vide Proceedings in Na.Ka.No.2985/Aa3/2019 dated 12.09.2019, by accepting the Bill for the same, without reference to G.O.Ms.No.37, P&AR Department dated 10.03.2020, along with interest for delay in payment of incentive increment till date of payment, based on the representation submitted by the petitioner dated 25.10.2023, within a time frame to be fixed by this Court.

For Petitioner : Mr.G. Sankaran,
Senior Counsel
for Mr.S. Nedunchezhiyan

For Respondents : Mr.V.P.R. Elamparithi,
Additional Government Pleader



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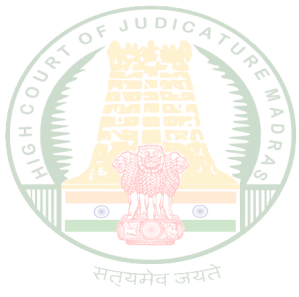
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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioner herein has given representation to the respondents on 25.10.2023, seeking to sanction his incentive increment in the post of B.T. Assistant along with interest. Since the said representation has not been considered till date, 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 them 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.



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4. In the light of the above observations, there shall be a direction to the respondents herein, to consider the petitioner's representation dated 25.10.2023, on their own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

09.11.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No

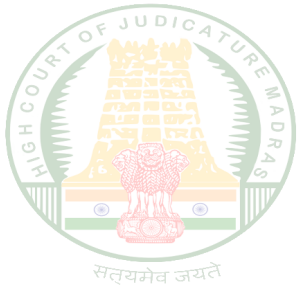
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- 2.The Director of School Education,
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M.S.RAMESH,J.

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