

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11443 of 2015

Tmt.V.Kalaiyarasi

... Petitioner

-vs-

1. Director of School Education
Chennai-6

2. Chief Educational Officer
Tirupur, Tirupur District

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings A.Thi.Mu.No.8274/A/2014 dated 19.12.2004 and quash the same and direct the respondents to sanction incentive increment to the petitioner for M.Phil., qualification and confer all the consequential benefits.

For Petitioner : Mr.P.Ganesan for
M/s C.S.Associates

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been filed by Mrs.V.Kalaiyarasi seeking issuance of a writ of certiorarified mandamus, to call for the records relating to the order passed by the Chief Educational Officer, Tirupur in his proceedings dated 19.12.2004, to quash the same with a further direction to the respondents to sanction incentive increments to the petitioner for M.Phil. Qualification and thereupon to confer all the consequential benefits.

2. Learned counsel for the petitioner submitted that Mrs.V.Kalaiyarasi, after passing B.Sc.(Maths) in 1976 and B.Ed., in

1978, was appointed as B.T.Assistant (Maths) in the Government High School on 10.7.79. She was also sanctioned with the incentive increment for M.A.(English), in the year 2005. Since the petitioner acquired M.Ed., qualification in the year 1990, again the respondents without any hesitation sanctioned the incentive increment in the year 2005. As the petitioner acquired M.A.(English) in 2005, as a result, she was promoted as Headmistress of high school on 26.7.2006. While working as Headmistress of the said school, the petitioner further acquired the higher qualification, namely, M.Phil., in June, 2007. On the basis of the higher qualification obtained by the petitioner, she was promoted as Headmistress of Higher Secondary School on 7.9.2010. Thereafter, the petitioner, on reaching the age of superannuation, retired from service on 31.7.2012. Since she retired during the middle of the academic year, she was also given extension of service, resultantly, she continued in service upto 31.5.2013. Therefore, in the aforesaid background, the grievance of the petitioner is that after the petitioner submitted a representation to the second respondent seeking grant of incentive increment for having acquired M.Phil., degree, by the impugned order dated 19.12.2014, he refused to sanction the incentive increment on the ground that she had acquired two sets of incentive increments for M.A., and M.Ed., qualifications.

3. Learned counsel for the petitioner, taking strength from an order passed by this Court as well as the consequent issuance of G.O. (2D) No.15, School Education (J) Department dated 28.3.2013, which was passed in implementation of the order passed by this Court in W.P.No.9200 of 2011 dated 12.4.2011, submitted that in a similar and identical circumstance, when Mrs.K.Lathadevi acquired M.Phil., degree, the official respondents refused to sanction the incentive increment, as a result, the said Mrs.K.Lathadevi filed W.P.No.9200 of 2011 and this Court, by order dated 12.4.2011, setting aside the rejection order passed by the official respondents, directed the official respondents to sanction the third incentive increment for possessing M.Ed., and M.Phil., qualifications within a period of eight weeks. Therefore, when the respondents, after accepting the order passed by this Court, had implemented the same in the aforesaid G.O.(2D) No.15 dated 28.3.2013, the impugned order ought not to have been passed. Therefore, the same is liable to be set aside.

4. Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents submitted that no doubt a similar case advocated by Mrs.K.Lathadevi seeking grant of incentive increment for having acquired M.Phil., degree was accepted and finally as per the direction given by this Court in W.P.No.9200 of 2011 dated 12.4.2011, G.O.(2D) No.15, School Education (J) Department dated 28.3.2013 was

also issued. However, yet, the matter has not come to an end, as several writ appeals are also pending for consideration.

5. This Court is unable to accept the said submission. The reason is very simple. When this Court in W.P.No.9200 of 2011 dated 12.4.2011 has passed an order in favour of a similarly placed person viz., Mrs.K.Lathadevi, who had also secured M.Phil., degree for sanctioning of the incentive increment and pursuant to the order passed by this Court, when the first respondent had already issued G.O.(2D) No.15, School Education (J) Department dated 28.3.2013, this Court has to obediently follow the same. Accordingly, being bound by the aforesaid order, this writ petition stands allowed and the impugned order stands set aside. Consequently, the second respondent-Chief Educational Officer, Tirupur is directed to send the proposal for sanction of incentive increment to the petitioner for acquiring M.Phil., degree in the year 2007 to the first respondent within a period of two weeks from the date of receipt or production of a copy of this order. On receipt of such proposal from the second respondent as directed in this order, the first respondent-Director of School Education is directed to consider the same and pass appropriate orders granting incentive increment as per the G.O.(2D) No.15 dated 28.3.2013 to the petitioner within a period of two weeks thereafter with all consequential benefits. The writ petition stands allowed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of School Education
Chennai-6

2. The Chief Educational Officer
Tirupur, Tirupur District

+1cc to M/s.C.S.Associates, Advocate, S.R.No.22212
+1cc to the Government Pleader, S.R.No.22100

W.P.No.11443 of 2015

SAI (CO)
CA(07/05/2015)