

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.11840 of 2015

C.Chandrakala

.. Petitioner

-vs-

1. The Director of Elementary Education (Aided)
DPI Complex, College Road
Chennai-6
 2. The District Elementary Educational Officer
Vellore-4
 3. The Additional Assistant Elementary
Educational Officer
Katpadi Circle, Katpadi
 4. The Manager & Correspondent
Ebenezer Aided Middle School
No.25, Chittoor Road
Katpadi 632 007
- .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.74/A3/15 dated 05.03.2015 and quash the same and direct the respondents to sanction two set of incentive increments (4 increments) for acquiring higher qualification namely for B.Ed., and M.A., as per G.O.Ms.No.42 Education Department dated 10.01.1969 and as per G.O.Ms.No.1024 Education Science and Technology Department dated 09.12.1993 with arrears of pay and allowance and with all other consequential benefits.

For Petitioner :: Mr.K.H.Ravikumar
For Respondents R1 to R3 :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

This writ petition has been filed by Ms.C.Chandrakala, who has been appointed as a Secondary Grade Teacher by the fourth respondent vide his proceedings dated 7.1.91. After some time, the petitioner

had also completed her B.Lit., in May, 1996 and subsequently she also completed her M.A.(Tamil) in May, 2001. Once again she also obtained B.Ed., (Tamil) in the year 2012. Thus, she is qualified to be appointed as a B.T.Assistant. But the grievance of the petitioner is that although she has acquired M.A.(Tamil) and B.Ed.(Tamil), her request for grant of incentive increments as per G.O.Ms.No.42, Education Department dated 10.1.69 read with G.O.Ms.No.1024, Education, Science and Technology Department dated 9.12.93 has been refused, as a result, the petitioner has come before this Court.

2. Learned counsel for the petitioner submitted that the conditions mentioned in G.O.Ms.No.42 dated 10.1.69 clearly shows that a Secondary Grade Teacher on obtaining the higher qualification, namely, B.T., or B.Ed. Degree of a University in the State or the degree of other Universities recognised as equivalent to the degree of B.T., or B.Ed., degree is eligible to get advance increments. A further reading of the Government Order again shows that a Secondary Grade Teacher who after passing B.T., or B.Ed., degree examination qualified for M.A., or M.Sc., or M.Ed., degree but working in Secondary Grade post may be given another two advance increments after passing M.A., or M.Ed., degree. When the Government Order issued by the respondents is very clear, without adverting to the said Government Order, the genuine request of the petitioner has been refused by the impugned order, he pleaded.

3. It is at this point of time, Mr.V.Jayaprakash Narayanan, learned Special Government Pleader for the respondents, finding no answer to the above contentions, supported the impugned order, however, without any merit.

4. At the outset, it may be mentioned vividly that the petitioner is entitled for the two sets of advance increments in terms of the G.O.Ms.No.42 dated 10.1.69 read with G.O.Ms.No.1024 dated 9.12.93 for possessing the higher qualification, namely, B.Ed., (Tamil) and M.A.(Tamil). In this context, it is necessary to extract the relevant portion of the G.O.Ms.No.1024 dated 9.12.93, which is given as under:-

'3. Government now issues the following amendments to the G.O. first and third above.

(1) In the Annexure to G.O.Ms.No.42, Education dt. 10.1.69

(ii) A Secondary Grade Teacher who has passed B.T., or B.Ed., degree examination and obtained two advance increments shall be eligible for another two advance increments for passing M.A., M.Sc., or M.Ed., degree while working either in the Secondary Grade Post or in B.T./B.Ed., Assistant post. A B.T. Teacher who after passed M.A., or M.Sc., and obtained two advance increments shall be eligible for another two advance increments if qualified

M.Ed., degree while working in B.T.Assistant post or Headmaster post.

(ii)(a). The maximum number of advance increments which a teacher can get under the scheme of incentive increments under this Government Order shall be four in his entire service.''

5. A mere perusal of the aforesaid Government Orders clearly shows that the petitioner is entitled for the two advance increments for passing the B.Ed.(Tamil) and another two advance increments for passing the M.A.(Tamil). Therefore, by quashing the impugned order, the first respondent-Director of Elementary Education (Aided), Chennai is hereby directed to sanction two sets of incentive increments to the petitioner for having acquired the higher qualification, namely, B.Ed., and M.A., as per G.O.Ms.No.42 dated 10.1.69 read with G.O.Ms.No.1024 dated 9.12.93 with arrears of pay and allowances. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. The writ petition stands allowed. Consequently, M.P.No.1 of 2015 is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ss
To

1. The Director of Elementary Education (Aided)
DPI Complex, College Road
Chennai-6
2. The District Elementary Educational Officer
Vellore-4
3. The Additional Assistant Elementary Educational Officer
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4. The Manager & Correspondent
Ebenezer Aided Middle School
No.25, Chittoor Road Katpadi 632 007

+ 1 cc to Mr.K.H.Ravikumar, Advocate SR.21927
+ 1 cc Government Pleader Sr.22121

KU(CO)
EU 21.04.2015

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