

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.17698 of 2015

and

M.P.No.1 of 2015

P.S.Nagarathnam

... Petitioner

vs.

1. The State of Tamilnadu,
rep.by the Secretary to Government,
Education Department,
Secretariat, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 6.
3. The District Educational Officer,
Tirupathur,
Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus directing the respondents to pay incentives for the qualification of M.Phil., possessed by the petitioner.

For petitioner : Mr.R.Singaravelan
for M/s.M.Srividhya

For respondents : Mrs.M.E.Raniselvam,
Additional Government Pleader

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ORDER

Mrs.M.E.Raniselvam, learned Additional Government Pleader, takes notice for the respondents.

2. Learned counsel appearing for the petitioner submitted that the petitioner was appointed as B.T. Assistant with B.Sc., B.Ed.,

qualification in Hindu Higher Secondary School, Karumbur, Vellore District, on 4.6.1973. Thereafter, he acquired M.Sc.(Maths) and M.Ed., qualification while working as B.T.Assistant. He received incentive increment for acquiring M.Sc and M.Ed., on 14.5.1981 and 9.9.1982 respectively while serving as B.T.Assistant. Subsequently, he was promoted to the post of P.G.Assistant on 11.4.997 and then to the post of Head Master on 1.7.2002 in Hindu Higher Secondary School, Vellore. He had also received the incentive increment on 14.5.1981 and 09.09.1982 respectively for acquiring Post Graduate qualifications. While serving as Head Master in the same School, he acquired M.Phil, qualification on 29.12.2006. He retired from service on attaining the age of superannuation on 30.06.2007 and he served in the said post till 31.05.2008 on extension.

3. The grievance of the petitioner is that he has not been awarded with any incentive increment for acquiring M.Phil., qualification; hence, he is entitled to receive incentive increment for M.Phil qualification on the basis of the decision of a Division Bench of this Court in R.Prema Kumari vs. State of Tamil Nadu reported in 2008 (5) MLJ 1349 and also as per G.O.Ms.No.1023 (Education, Science and Technology Department) dated 9.12.1993 and G.O.Ms.No.1024 (Education, Science and Technology Department) dated 9.12.1993. Therefore, he submitted a representation to the authorities stating that the issue is covered by the order of a Division Bench of this Court referred to above but the said representation has not been considered till date. Therefore, the petitioner has approached this Court by way of the present Writ Petition.

4. Heard the learned Additional Government Pleader on the above contention.

5. Learned Additional Government Pleader submitted that the representation of the petitioner will be considered within a period of four weeks from the date of receipt of a copy of this order.

6. Recording the said statement, the Secretary to Government, Education Department, Secretariat, Chennai / first respondent herein is directed to consider the representation of the petitioner dated 12.06.2015 on merits and in accordance with law on the basis of the order of the Division Bench in R.Prema Kumari vs. State of Tamil Nadu reported in 2008 (5) MLJ 1349 and also G.O.Ms.No.1023 (Education, Science and Technology Department) dated 9.12.1993 and G.O.Ms.No.1024 (Education, Science and Technology Department) dated 9.12.1993, within a period of four weeks from the date of receipt of a copy of this order. The Writ Petition is disposed of accordingly. No costs. The connected Miscellaneous Petition is closed.

7. The petitioner is directed to submit a copy of this order along with a copy of his representation dated 12.06.2015 to the first respondent within a period of one week from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

asvm

To

1. The Secretary to Government,
Education Department,
Secretariat, Chennai - 9.
2. The Director of School Education,
College Road, Chennai - 6.
3. The District Educational Officer,
Tirupathur,
Vellore District.

+1cc to Mr.M.Srividhya, Advocate, S.R.No.30836
+1cc to the Government Pleader, S.R.No.30881

W.P.No.17698 of 2015

KJI (CO)
CA(09/07/2015)

सत्यमेव जयते
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