

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18113 of 2015

T.Venkatraman

... Petitioner

-Versus-

- 1.The Director of School Education,
DIP Campus,
College Road,
Chennai 600 006.
- 2.The Chief Educational Officer,
Tiruvannamalai & District.
- 3.The District Educational Officer,
Tiruvannamalai & District.
- 4.The Headmaster,
Govt. Municipal Higher Secondary School,
Tiruvannamalai & District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India for the relief of issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 4th respondent dated 12.06.2015 and to quash the same as illegal and consequently direct the respondents to sanction 3rd incentive increment from the date of acquiring M.Phil. to the petitioner in the lihg of G.O.(D) No.209, School Education Department, dated 08.07.2010 and G.O.(2D) No.15, School Education Department, dated 28.03.2013.

For petitioner : Mr.T.Panchatsaram

For Respondents : Mrs.M.E.Raniselvam, AGP

ORDER

The petitioner was appointed as a Secondary Grade Teacher on 11.01.199. He has been granted first and second incentive increments for having acquired Master's degree in Arts and Bachelor's degree in Education w.e.f. 29.03.2009 and subsequently, he was promoted as Post Graduate Assistant. While so, he has acquired higher qualification viz., M.Phil. and, therefore, he is entitled for third incentive increment w.e.f. 22.06.2009. In this regard, he has submitted a representation on 08.04.2015 to the respondents to sanction incentive increment for having acquired the

higher qualification. But, on 12.06.2015, the 4th respondent has refused to sanction the third increment to the petitioner on the ground that there is no Government rule providing for third increment and as such he has returned the representation of the petitioner by his order dated 12.06.2015. Aggrieved by the said order, the petitioner is now before this court with this writ petition seeking to quash the order of the 4th respondent refusing to sanction the third increment to the petitioner and to give a direction to him to sanction the third incentive increment from the date when he acquired the higher qualification in the light of the order in W.P.Nos.27252 & 27253 of 2009 dated 02.09.2013.

2. Though a larger relief is sought for by the petitioner, the learned counsel for the petitioner, during the course of enquiry of this writ petition, submitted that the petitioner would be satisfied if the 4th respondent is directed to consider the representation made by the petitioner on 08.04.2015 in the light of the order of this court referred to above.

3. The learned Additional Government Pleader appearing for the respondent would submit that the representation of the petitioner would be considered in the light of the Government Order and the order of this Court referred to above, if the same is resubmitted by the petitioner within a time frame to be fixed by this court.

4. Considering the above submissions made on either and taking into consideration of the fact that the representation of the petitioner was just returned by the 4th respondent, without going into the merits of the case, the petitioner is directed to submit a fresh representation within a period of one week from the date of receipt of a copy of this order and on receipt of such representation, 4th respondent is directed to consider the representation of the petitioner in accordance with law and in the light of the order of this court referred to above and to pass final orders thereon within a period of twelve weeks thereafter. This writ petition is, accordingly, disposed of. No costs.

सत्यमेव जयते

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Director of School Education,
DIP Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer,
Tiruvannamalai & District.

3.The District Educational Officer,
Tiruvannamalai & District.

4.The Headmaster, Govt. Municipal
Higher Secondary School,
Tiruvannamalai & District.

+1cc to M/s. T. Panchatsaram, Advocate, S.R.No.31359

+1cc to the Government Pleader, S.R.No.31312

PPA(CO)
EU(10/07/2015)

W.P.No.18113 of 2015



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