

IN THE HIGH COURT JUDICATURE AT MADRAS

DATED : 05.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23884 of 2015

J.Amalraj

...Petitioner

Vs

1. The State of Tamil Nadu
rep. by Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.
4. The Assistant Elementary Educational Officer,
Palayamkottai Rural,
Tirunelveli District,
Tirunelveli.
5. The Assistant Elementary Educational Officer,
Melanelithanallur Saragam,
Melanelithanallur,
Sankaran Koil Taluk,
Tirunelveli.
6. The Correspondent,
R.C.Primary School,
Pottal Pacheri,
Tirunelveli District-626 361.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the representation/appeal submitted by the petitioner dated 23.01.2015 and to pass appropriate orders sanctioning incentive increment for possessing/acquiring higher qualification of M.Ed. Degree from the date of appointment to the post of Secondary Grade Teacher with consequential revision of salary including payment of arrears of salary within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Gunasekaran,
1 to 5 Government Advocate

ORDER

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner would state that he was initially appointed as a Secondary Grade Teacher in R.C. Middle School, Melanelithanallur, Tirunelveli District, which is a Private Aided Minority Institution on 04.06.1993 and he claims that he is having B.Sc.(Botany) awarded by the Madurai Kamaraj University in the year 1985 and passed B.Ed. In the year 1988 and passed M.Ed. Degree through Correspondence Education from Annamalai University in the year 1992.

3. The claim of the petitioner is that though he is fully qualified, he was appointed only as a Secondary Grade Teacher in the said school which was also approved by the District Educational Officer, Tirunelveli by proceedings dated 22.09.1994. The petitioner was subsequently promoted to the post of Primary School Headmaster in the year 2000 and thereafter transferred and posted as Headmaster in the 6th respondent school in the year 2013. The petitioner would state that by virtue of the fact that he has passed M.Ed. Degree, he is entitled to incentive increment from the date of his appointment on 04.06.1993. His representation, in this regard, was rejected vide the order of the 5th respondent dated 06.09.2014. The petitioner through proper channel submitted an appeal petition dated 23.01.2015 to the 2nd respondent and since it has not been given disposal, he came forward to file this Writ Petition.

4. Heard the learned Counsel appearing for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 5.

5. This Court taking into consideration the limited prayer sought for by the petitioner and without going into the merits of the claim projected by him, directs the Director of Elementary Education, Chennai, to consider and dispose of the appeal petition of the petitioner dated 23.01.2015 on merits and in accordance with law and to pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this Order and communicate the decision taken to the petitioner.

6. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.

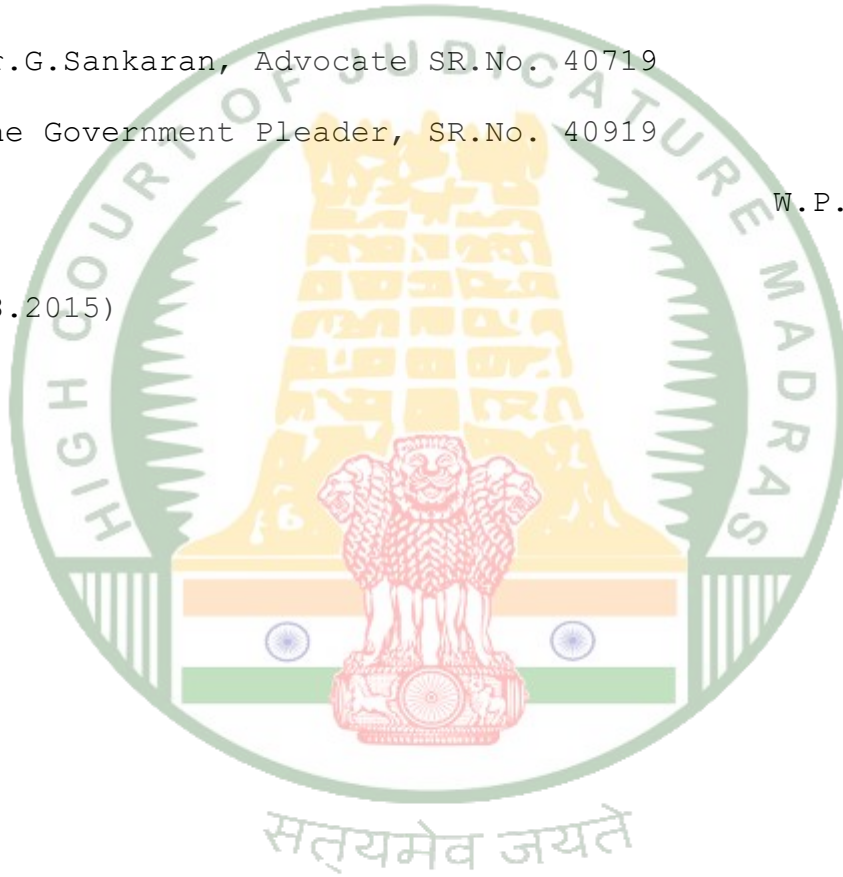
4. The Assistant Elementary Educational Officer,
Palayamkottai Rural,
Tirunelveli District,
Tirunelveli.
5. The Assistant Elementary Educational Officer,
Melanelithanallur Saragam,
Melanelithanallur,
Sankaran Koil Taluk,
Tirunelveli.

1 CC to Mr.G.Sankaran, Advocate SR.No. 40719

1 CC to the Government Pleader, SR.No. 40919

W.P.No.23884 of 2015

SKV (CO)
PSI (14.08.2015)



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