

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.25612 to 25615 of 2015

R.Ravichandran	...Petitioner in W.P.25612/2015
K.Sumathi	...Petitioner in W.P.25613/2015
M.Palanivelu	...Petitioner in W.P.25614/2015
R.Soundarrajan	...Petitioner in W.P.25615/2015

Vs.

- 1 The Director of Elementary Education
D.P.I.Compound College Road
Chennai - 6
- 2 The District Elementary Educational Officer
O/o. The District Elementary Educational Officer
Thanjavur District. ...Respondents in all the W.Ps.

Common Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to sanction the third incentive increments to the petitioner for acquiring M.Phil Degree as per orders of the Honourable Court made in W.P.No.19715 / 2014 dated 24.07.2014 by considering Petitioners representation dated 30.07.2014.

For Petitioners : Mr.V.Ravikumar

For Respondents : Mr.S.Gunasekaran
Government Advocate

COMMON ORDER

By consent, all the writ petitions are taken up for final disposal.

2.The petitioner in W.P.No.25612 of 2015 is at present, working as Assistant Elementary Educational Officer and he claims to have acquired B.A.(Tamil), M.A.(Tamil) and B.Ed. and for that, he was sanctioned with two incentive increments and subsequently, had acquired Master of Philosophy (M.Phil) in Tamil during the month of March, 2009. He prayed for sanction of third incentive increment for acquiring M.Phil also and it was rejected by the second respondent on 20.03.2014. It is the claim of the petitioner that as per G.O.Ms.No.1170 Education, Science and Technology Department dated 20.12.1993 Teachers who acquired M.Phil are also entitled to get incentive increment fixing the cut off date and it was put to challenge in number of writ petitions and were allowed and thereafter, the Government issued orders in G.O.Ms.No.194 School Education Department dated 10.10.2006 deleting the cut off date and therefore, Post Graduate Assistant who acquired M.Phil Degree even after 01.03.1993 are also entitled to get incentive increment. The petitioner in this regard has submitted representation dated 30.07.2014 praying for incentive increment for having acquired M.Phil Degree and also invited the attention of the respondents to the order dated 24.07.2013 made in W.P.(MD) Nos.11802 to 11806 of 2013 and since no orders have been passed, came forward to file the writ petition.

3.The petitioner in W.P.No.25613 of 2015 is at present working as Assistant Elementary Educational Officer and she claims to have acquired B.A.(Tamil), M.A.(Tamil) and B.Ed. and while working as Secondary Grade Teacher was sanctioned two incentive increments. It was further stated by the petitioner that during January, 2011, she acquired Master of Philosophy (M.Phil) in Tamil. Thereafter, submitted representation for sanction of incentive increment for having acquired M.Phil in Tamil and she also pleads for incentive increment like that of the petitioner in W.P.No.25612 of 2015.

4.The petitioner in W.P.No.25614 of 2015 is at present working as Assistant Elementary Educational Officer and he claims to have acquired B.A.(Tamil), M.A.(Tamil) and B.Ed. and while working as Secondary Grade Teacher was sanctioned two incentive increments. It was further stated by the petitioner that during July, 2008, he acquired Master of Philosophy (M.Phil) in Tamil and he submitted representation for sanction of incentive increment for having acquired M.Phil in Tamil and he also pleads for incentive increment like that of the petitioner in W.P.No.25612 of 2015.

5.The petitioner in W.P.No.25615 of 2015 is at present working as Assistant Elementary Educational Officer and he claims to have acquired B.A.(Tamil), M.A.(Tamil) and B.Ed. and while working as

Secondary Grade Teacher was sanctioned two incentive increments. It was further stated by the petitioner that during March, 2008, he acquired Master of Philosophy (M.Phil) in Tamil and he submitted representation for sanction of incentive increment for having acquired M.Phil in Tamil and he also pleads for incentive increment like that of the petitioner in W.P.No.25612 of 2015.

6.The learned counsel appearing for the petitioners would submit that in similar facts and circumstances, this Court vide order dated 24.07.2014 made in W.P.No.19715 of 2014, has passed an order setting aside the impugned order with further direction directing the third respondent therein to sponsor the name of the petitioner for third incentive with further direction directing the concerned respondent to pass appropriate orders and hence prays for similar relief.

7.Per contra, Mr.S.Gunasekaran, learned Government Advocate who accepts notice on behalf of the respondents would submit that the petitioners are entitled to only two incentive increments and therefore, the relief sought for by the petitioners cannot be granted.

8.Though the petitioners prayed for a larger relief, this Court in the light of the facts and circumstances, permits the petitioners to submit one more representation to the first respondent by enclosing a copy of this order as well as the copies of the earlier representations and also the order dated 24.07.2014 made in W.P.No.19715 of 2014 within a period of two weeks from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the representations on merits and in accordance with law and pass orders within a period of eight weeks thereafter and communicate the decision taken, to the petitioners.

9.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

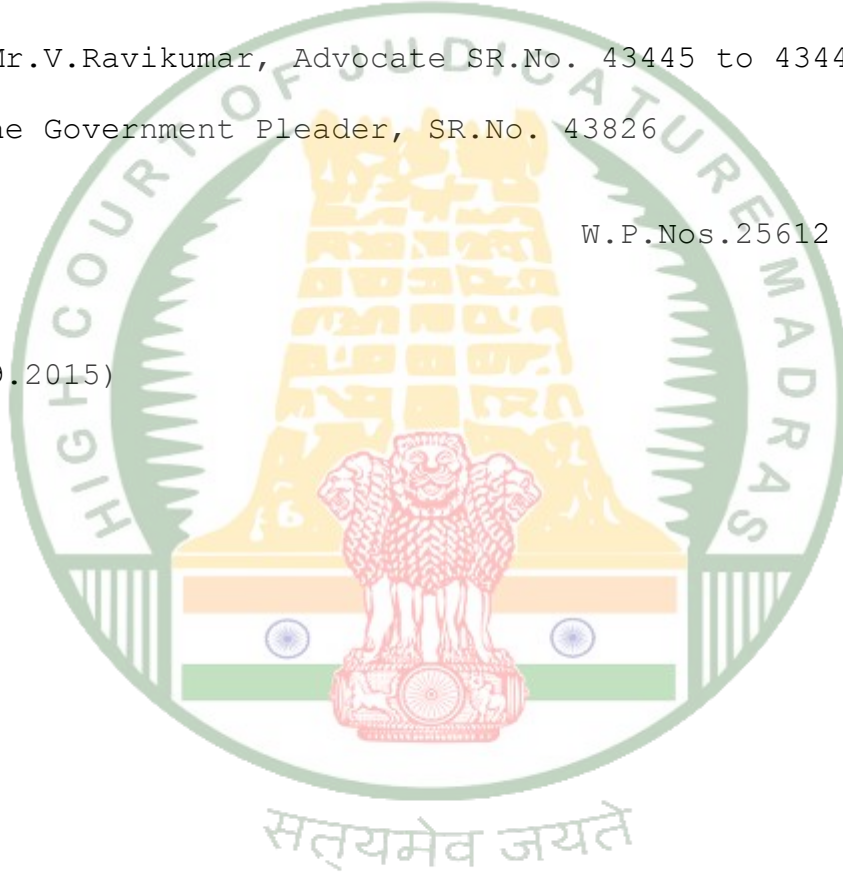
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To

- 1 The Director of Elementary Education
D.P.I.Compound College Road
Chennai - 6
 - 2 The District Elementary Educational Officer
O/o. The District Elementary Educational Officer
Thanjavur District.
- 4 CCs to Mr.V.Ravikumar, Advocate SR.No. 43445 to 43448
- 1 CC to the Government Pleader, SR.No. 43826

W.P.Nos.25612 to 25615 of 2015

NM (CO)
PSI (08.09.2015)



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