

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.Nos.26040 to 26045 of 2015

K.Madhaiyan .. Petitioner in
W.P.No.26040 of 2015

N.Nanjundan .. Petitioner in
W.P.No.26041 of 2015

A.Shanmugam ... Petitioner in
W.P.No.26042 of 2015

E.P.Vaiyapuri ... Petitioner in
W.P.No.26043 of 2015

C.Vadivelan ... Petitioner in
W.P.No.26044 of 2015

S.Savithiri ... Petitioner in
W.P.No.26045 of 2015

Vs

1.The Director of School Education,
Chennai-600 006

2.The Chief Educational Officer,
Dharmapuri District, Dharmapuri

3.The District Educational Officer,
Dharmapuri Educational District,
Dharmapuri

.. Respondents in all the W.Ps.

Petitions filed under Article 226 of The Constitution of India, praying for the issuance of a Writ of mandamus directing the respondents to grant 1 set of 3rd incentive increment to the petitioners for acquiring M.Ed by calculating the arrears from the date of their qualification of M.Ed i.e. May, 1998, June 1999, June 2009, May 1999, May 1999 and May 1998, respectively, in view of the G.O.Ms.No.1023 dated 9.12.1993 (Education, Science & Technology Department) and in view of the order passed by the Division Bench of the Hon'ble Madurai Bench of Madras High Court in W.A.(MD) No.867 of 2014 dated 18.09.2014, within the time stipulated by this Court.

W.P.No.26041/2015:- Writ of Mandamus or order or direction in the nature of writ, direct the respondents to grant 1 set of 3rd incentive increment to the petitioner for acquiring M.Ed by calculating the arrears from the date of his qualification of M.Ed (i.e) June 1999 in view of the G.O.Ms.No.1023 Dated. 09.12.1993 (Education Science & Technology Department) and in view of the order passed by the Division Bench of the Honourable Madurai Bench of Madras High Court in W.A.(MD). No. 867 of 2014 Dated. 18.09.2014 with the time stipulated by this Honourable Court.

W.P.No.26042/2015:- Writ of Mandamus or order or direction in the nature of writ, direct the respondents to grant 1 set of 3rd incentive increment to the petitioner for acquiring M.Phil. by calculating the arrears from the date of his qualification of M.Phil. (i.e) June 2009 in view of the G.O.Ms.No.1023 Dated. 09.12.1993 (Education Science & Technology Department) and in view of the order passed by the Division Bench of the Honourable Madurai Bench of Madras High Court in W.A.(MD). No. 867 of 2014 Dated. 18.09.2014 with the time stipulated by this Honourable Court.

W.P.No.26043/2015:- Writ of Mandamus or order or direction in the nature of writ, direct the respondents to grant 1 set of 3rd incentive increment to the petitioner for acquiring M.Ed by calculating the arrears from the date of his qualification of M.Ed (i.e) May 1999 in view of the G.O.Ms.No.1023 Dated. 09.12.1993 (Education Science & Technology Department) and in view of the order passed by the Division Bench of the Honourable Madurai Bench of Madras High Court in W.A.(MD). No. 867 of 2014 Dated. 18.09.2014 with the time stipulated by this Honourable Court.

W.P.No.26044/2015:- Writ of Mandamus or order or direction in the nature of writ, direct the respondents to grant 1 set of 3rd incentive increment to the petitioner for acquiring M.Ed by calculating the arrears from the date of his qualification of M.Ed (i.e) May 1999 in view of the G.O.Ms.No.1023 Dated. 09.12.1993 (Education Science & Technology Department) and in view of the order passed by the Division Bench of the Honourable Madurai Bench of Madras High Court in W.A.(MD). No. 867 of 2014 Dated. 18.09.2014 with the time stipulated by this Honourable Court.

W.P.No.26045/2015:- Writ of Mandamus or order or direction in the nature of writ, direct the respondents to grant 1 set of 3rd incentive increment to the petitioner for acquiring M.Ed by calculating the arrears from the date of his qualification of M.Ed (i.e) --.05.1998 in view of the G.O.Ms.No.1023 Dated. 09.12.1993 (Education Science & Technology Department) and in view of the order passed by the Division Bench of the Honourable Madurai Bench of Madras High Court in W.A.(MD). No. 867 of 2014 Dated. 18.09.2014 with the time stipulated by this Honourable Court.

For Petitioners

.. Mr.N.Sathish Babu

For Respondents

.. Mr.V.Subbiah, Spl.G.P.

COMMON ORDER

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

2.The petitioner in W.P.No.26040 of 2015 claims that he joined as Secondary Grade Teacher in Government Higher Secondary School, Krishnagiri District and his services were regularised on 22.10.1973. The petitioner was awarded with selection grade on 22.10.1983 and special grade on 22.10.1993. The petitioner was also given promotion as BT Assistant on 07.01.1998 and posted at Government Higher Secondary School, Madarahalli, Dharmapuri District. The petitioner would state that after joining the services, he has completed B.A. (History) in the month of October, 1978 and completed his B.Ed., in the year 1980 and M.A. (History) in the year 1982 and completed M.Ed., in May, 1998 and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 31.08.2007.

3.The petitioner in W.P.No.26041 of 2015 claims that he joined as Secondary Grade Teacher in Panchayat Union Middle School, Palacode, Krishnagiri District and his services were regularised on 01.11.1972. The petitioner was also given promotion as BT Assistant on 09.09.1998 and posted at Government High School, Kerikaepalli, Krishnagiri District. The petitioner would state that after joining the services, he has completed B.A. (History) in the month of September, 1976 and completed his B.Ed., in the year 1979 and M.A. (History) in the year 1980 and completed M.Ed., in June, 1999 and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 30.09.2006.

4.The petitioner in W.P.No.26042 of 2015 claims that he joined as B.T. Assistant in Government Higher Secondary School, Kadakathoor, Dharmapuri District and his services were regularised on 29.10.1981. The petitioner was awarded with selection grade on 29.10.1991. The petitioner was also given promotion as P.G. Assistant (Maths) on 21.09.1997 and posted at Government Girls High School, Pennagaram. Thereafter, he was promoted as Head Master on 06.11.2006 and posted at Government Higher Secondary School, Kannandalli, Dharmapuri District and subsequently, transferred and posted at Government High School, Kadukkaivasalai, Ramanathapuram District. The petitioner would state that after joining the services, he has completed M.Ed., in the month of April, 1986 and completed his M.Sc. (Maths) in the year 1997 and completed M.Phil., in June, 2009 and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 31.05.2012.

5.The petitioner in W.P.No.26043 of 2015 claims that he joined as Secondary Grade Teacher in Government High School, Athiyamankottai, Dharmapuri District and his services were regularised on 01.04.1974. The petitioner was awarded with selection grade on 01.04.1984 and special grade on 01.04.1994. The petitioner was also given promotion as BT Assistant on 20.09.1998 and posted at Government High School, Kadagathur, Dharmapuri District. The petitioner would state that after joining the services, he has completed B.A. (Economics) in the year 1980 and completed his M.A. (Economics) in the year 1982 and completed B.Ed., in the year 1983 and M.Ed., in the month of May, 1999 and thereafter, promoted as P.G. Assistant and posted at Government High School, Palaiyamputhur, Dharmapuri District and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 31.08.2007.

6.The petitioner in W.P.No.26044 of 2015 claims that he joined as Secondary Grade Teacher in Government High School, Sigarazhapalli, Krishnagiri District and his services were regularised on 05.08.1973. The petitioner was awarded with selection grade on 05.08.1982 and special grade on 05.08.1992. The petitioner was also given promotion as BT Assistant on 12.01.1998 and posted at Athiyaman Government Boys High School, Dharmapuri District. The petitioner would state that after joining the services, he has completed B.A. (History) in the year 1978 and completed his M.A. (History) in the year 1981 and B.Ed., in the year 1983 and completed M.Ed., in May, 1999 and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 31.03.2006.

7.The petitioner in W.P.No.26045 of 2015 claims that she joined as Secondary Grade Teacher in Government Higher Secondary School, Karimangalam, Dharmapuri District and her services were regularised on 01.03.1968. The petitioner was awarded with selection grade on 01.07.1976 and special grade on 01.01.1986. The petitioner was also given promotion as BT Assistant on 16.09.1992 and posted at Government High School, Thirumalvadi, Dharmapuri District. The petitioner would state that after joining the services, she has completed B.A. (History) in the year 1978 and completed her B.Ed., in the year 1981 and M.A. (History) in the year 1985 and completed M.Ed., in May, 1994 and claims to have rendered hard, sincere and blemishless service without any remarks. The petitioner retired from service on 30.06.2002.

8.It is the case of the petitioners that as per G.O.Ms.No.1023 Education, Science and Technology Department dated 09.12.1993, they are entitled to incentive increment. A Division Bench of Madurai High Court in the judgment dated 18.09.2014 made in W.A. (MD) No.867 of 2014 and in this regard, the petitioners in W.P.Nos.26040 to 26044 of 2015, submitted a joint representation on 09.07.2015 and the petitioner in W.P.No.26045 of 2015 submitted individual representation on 20.07.2015 and since no orders have been passed, they came forward to file these writ petitions.

9.The learned counsel appearing for the petitioners has drawn the attention of this Court to the common judgment dated 20.06.2006 made in W.A.Nos.2604 to 2606 of 1999 etc., batch as well as the common order dated 24.07.2013 in W.P. (MD) Nos.11802 to 11806 of 2013 and the judgment dated 18.09.2014 in W.A. (MD) No.867 of 2014 and would submit that positive directions were issued to the official respondents to sanction and pay the arrears of incentive increments to the petitioner therein for acquiring M.Ed.,/P.G. degree qualification within a period of eight weeks and therefore prays that similar orders may be passed.

10.This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents.

11.This Court, in the light of the above facts and circumstances, directs the first respondent to consider and dispose of the petitioners' representations dated 09.07.2015 and 20.07.2015 on merits and in accordance with law, after taking note of the orders in G.O.Ms.No.1023 Education, Science and Technology Department dated 09.12.1993 as well as the above cited orders and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners. The writ petitions are disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

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To

1.The Director of School Education,
Chennai-600 006.

2.The Chief Educational Officer,
Dharmapuri District, Dharmapuri.

3.The District Educational Officer,
Dharmapuri Educational District,
Dharmapuri.

+1 cc to S.Venkatasubramanian, Advocate, sr.44650
+1 cc to The Government Pleader, sr.44686.

W.P.Nos.26040 to 26045 of 2015

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