

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2015

CORAM

THE HON'BLE MR. JUSTICE N. KIRUBAKARAN

W.P.No.28666 of 2015

and

M.P.No.1 of 2015

S.Manoharan

..Petitioner

/vs/

1.The State of Tamil Nadu 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,
Coimbatore District,
Coimbatore.

...Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents to grant the incentive to the petitioner with effect from the date of acquiring the same for M.A.(Political Science) in 1983, M.Ed., in 2000 and M.Phil, in 1998 with all consequential monetary and service benefits and pay the revised pensionary benefits and pension.

For Petitioner :Mr.M.Srividhya

For Respondents:Mrs.M.E.Raniselvam

Addl.Government Pleader

ORDER

The petitioner was selected for appointment to the post of Secondary Grade Assistant and joined service on 01.09.1989. He retired from service from that post on 30.09.2014 and he got extension of service up to 31.05.2015. He gave representation for grant of incentive increments for gaining additional qualification. Since the said representation has not been considered, the petitioner has come before this Court by way of filing the present writ petition.

2. The learned Additional Government Pleader appearing for

the respondents strenuously opposed for grant of a direction.

3. The objection of the learned Additional Government Pleader appearing for the respondents is rejected, since this Court is going to direct the respondents to consider the claim of the petitioner only on merits.

4. Heard Ms.M.Srividhya, learned counsel appearing for the petitioner and Mrs.M.E.Raniselvam, learned Additional Government Pleader appearing for the respondents.

5. The petitioner was selected for appointment to the post of Secondary Grade Assistant and joined the service on 1.09.1989. The petitioner obtained M.A.(Political Science) in 1983, M.A(English) in 1994, M.Phil in 1998 and M.Ed., in 2000. Even though the petitioner got additional qualifications, the incentive increments have not been granted. According to the petitioner, he is entitled to three incentive increments for additional qualifications.

6. The learned counsel appearing for the petitioner has also relied upon the decision of the Division Judgment of this Court in R.PREMA KUMARI V. STATE OF TAMIL NADU reported in 2008 (5) MLJ 1349 wherein it is held that the purpose of granting incentive increments is for attracting higher qualified people or for encouraging the existing employees to acquire higher qualification and therefore, teachers, who had already acquired higher qualification are also entitled to incentive increments.

7. Relying upon the above said judgment and also similar orders passed in W.P.Nos.7381 of 2007, 15288 of 2015 and 17698 of 2015, dated 13.10.2014, 01.06.2015 and 23.06.2015 respectively, the petitioner seeks a Mandamus, in light of the above Government Order G.O.(2D) No.15, School Education (J) Department, dated 28.03.2013.

8. A perusal of the records would show that the petitioner acquired higher qualification. As per G.O.(2D)No.15, School Education(J) Department, dated 28.03.2013, for acquiring higher qualifications, incentive increments have to be granted. Therefore, a direction is given to the respondents to consider the representation of the petitioner, dated 14.08.2015, especially the first respondent and pass orders on the representation of the petitioner for grant of incentive increments to the petitioner from the date of acquiring additional qualification with all consequential monetary benefits, in the light of G.O.(2D) No.15, School Education (J) Department, dated 28.03.2013 and the judgment of the Division Bench of this Court R.Prema Kumari v. State of Tamil Nadu reported in 2008 (5) MLJ 1349 and the orders passed by this Court in W.P.No.7381 of 2007, dated 13.10.2014, W.P.No.15288 of 2015, dated 01.06.2015 and W.P.No.17698 of 2015, dated 23.06.2015, within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, this writ

petition is disposed of. No costs. Consequently, connected Miscellaneous petition is also closed.

-s/d-
Assistant Registrar(CSII)
dt:29/09/2015

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Secretariat, Chennai -9.

2.The Director of School Education,
College Road,
Chennai -6.

3.The District Educational Officer,
Coimbatore District,
Coimbatore.

+1 cc to M/S.M.Srividhya Advocate sr.49667
+1 cc to the Government Pleader sr.49974

W.P.No.28666 of 2015

aa30/09/2015

सत्यमेव जयते

WEB COPY