

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.09.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30767 of 2015

R.Muthukumaran

..Petitioner

vs.

- 1 The State of Tamil Nadu
Rep. by its Secretary to Government
Education Department
Fort St. George, Chennai - 600 009.
- 2 The Director of Elementary Education
College Road Chennai.
- 3 The District Elementary Educational Officer
Cuddalore District, Cuddalore.
- 4 The Assistant Elementary Educational Officer
Kumaratchi, Cuddalore District.
- 5 The Principal Accountant
General of Tamil Nadu
Teynampet Chennai - 600 018.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 2nd and 3rd respondent to give two incentive increments to the petitioner for acquiring M.A. M.Ed. with effect from the date of promotion to the post of B.T. Assistant as per G.O.Ms.No.42, Education, dated 10.01.1969 and in the light of the Judgments made in W.P.No.7381 of 2007 dated 13.10.2014 and W.A(MD)No.529 of 2007 dated 14.05.2008.

For Petitioner : Ms.K.Jenitha

For RR1 to 4 : Mr.V.Subbiah, Special Govt. Pleader

For R5 : Mr.V.Vijayashankar

ORDER

By consent, the writ petition is taken up for final disposal.

2. The petitioner was appointed as Secondary Grade Teacher on 24.10.1987 vide proceedings of the District Education Officer, Thirupathur in Na.Ka.No.9796/A3/87 on contract basis. The petitioner is qualified with M.A., B.Ed., and according to him, though he was over qualified, due to the dearth of Secondary Grade Trained candidates, the petitioner was appointed as Secondary Grade Teacher. Subsequently, he was relieved from duty and again, he was appointed in the next academic year viz., 1988.

3. The petitioner would state that the first respondent issued G.O.Ms.No.510 Education Department dated 10.5.1989 regularising the services of the Secondary Grade Teachers appointed on contract basis and therefore, the services of the petitioner were regularized with effect from 1.6.1988. The petitioner claimed two incentive increments for his higher qualification. In this regard, he has also approached the Tamilnadu Administrative Tribunal by filing O.A.No.8730 of 2000 and it was disposed of with a directing to consider the representation of the petitioner and pass appropriate orders. Thereafter, the petitioner submitted one more representation on 27.9.2006 and a reply was received by him stating that the proposal is pending before the competent authority. The petitioner would further submit that in W.P.No.18305 of 2014, a direction was given to consider the said representation in accordance with law. The grievance expressed by the petitioner is that he has been repeatedly submitting representations and approaching the respondents, but, no order has been passed granting incentive increments for the higher qualification obtained by him and hence, he came forward to file this writ petition.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for respondents 1 to 4 and Mr.V.Vijayashankar, learned counsel, who accepts notice for the fifth respondent.

5. Though the petitioner has prayed for a larger relief, this court, in the light of the facts and circumstances of the case, without going into the merits, directs the second respondent to consider and dispose of the petitioner's representation dated 27.11.2014, on merits and in accordance with law, within a period of eight weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

6. The writ petition is disposed of accordingly. No costs.
ssk.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub-Assistant Registrar

To

- 1 The State of Tamilnadu
The Secretary to Government,
Education Department
Fort St. George,
Chennai - 600 009.
- 2 The Director of Elementary Education
College Road, Chennai.
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+1 C.C. To MR.K.Jenitha, Advocate in SR.NO.53645

+1 C.C. To Government Pleader in SR.NO.53415

W.P.No.30767 of 2015

KGK (CO)

sd : 20/10/2015

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