

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.9.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30768 of 2015

T.Chellammal

..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 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 3 : Mr.V.Subbiah, Special Govt.Pleader

For R4 : Mr.V.Vijayashankar

ORDER

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

2. The petitioner was appointed as Secondary Grade Teacher in the year 1987 on contract basis. The petitioner is qualified with M.A., B.Ed., and according to her, though she was over qualified, due to the dearth of Secondary Grade Trained candidates, the petitioner was appointed as Secondary Grade Teacher. Subsequently, she was relieved from duty and again, she 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. The petitioner would contend that similarly placed persons were granted two incentive increments and in this regard, she has submitted a representation dated 3.12.2014, but, no order has been passed granting incentive increments for the higher qualification obtained by her and hence, she 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 3 and Mr.V.Vijayashankar, learned counsel, who accepts notice for the fourth 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 3.12.2014, 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 (Judicial)

/True Copy/

Sub-Assistant Registrar

To

- 1 The Secretary to Government,
State of Tamil Nadu,
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 Principal Accountant
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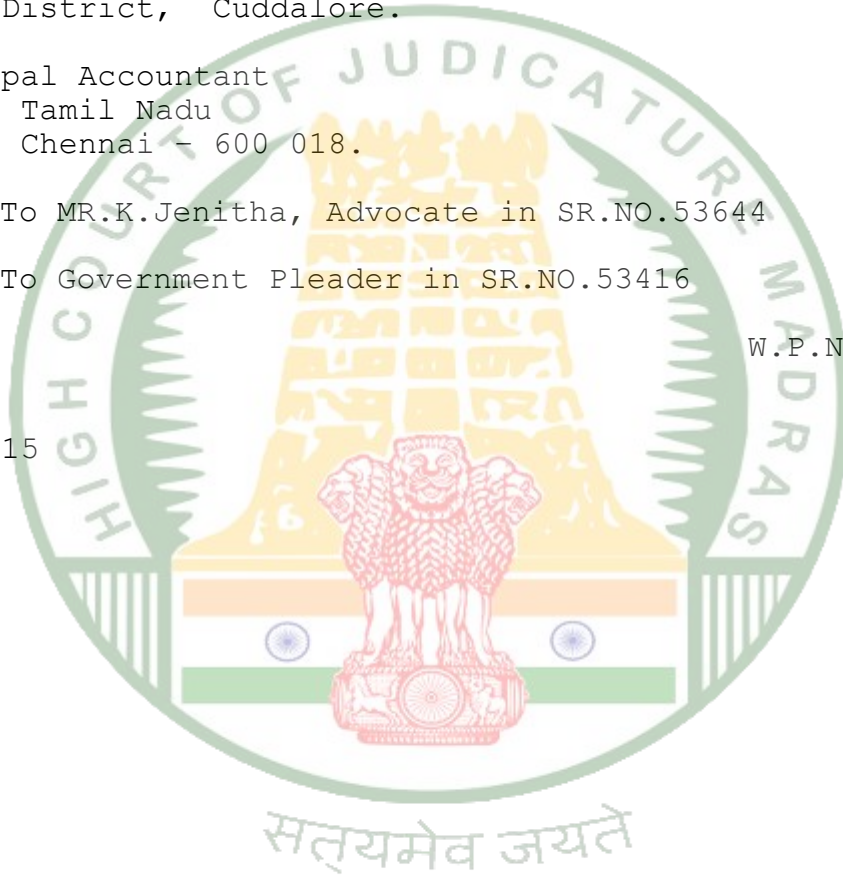
+1 C.C. To MR.K.Jenitha, Advocate in SR.NO.53644

+1 C.C. To Government Pleader in SR.NO.53416

W.P.No.30768 of 2015

KGK(CO)

sd : 20/10/2015



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