IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15-10-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.33137 of 2015

M.K.Venkatesan .. Petitioner

vs

1. The Secretary to Government
   School Education Department
   Fort St. George,
   Chennai 600 009

2. The Director of Elementary Education
   College Road, D.P.I. Compound
   Chennai 600 006

3. The District Elementary Educational
   Officer, Vellore,
   Vellore District

4. The Assistant Elementary Educational
   Officer, Nemili 631 051,
   Vellore District .. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to dispose of the petitioner's representation dated 22.9.2015, to sanction the 3rd incentive increment to the petitioner from the date of acquiring M.Ed. Degree within a time frame.

For Petitioner : Mr.K.R.Gunashekar

For Respondents: Mr.N.Srinivasan
Additional Government Pleader

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ORDER

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

2. The petitioner would state that he was initially appointed as a Secondary Grade Teacher on 05.12.1973, and was sanctioned with incentive increment for the qualifications in B.A. and B.Ed. and subsequently, he qualified himself with M.A. (Tamil) and was also sanctioned with the increment for the same and thereafter, he got his promotion and subsequently, got qualified himself with M.Ed. and he was also sanctioned increment with effect from 02.06.2008.

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3. The petitioner would further claim that he subsequently, passed M.Ed. (Tamil) and for that higher qualification, he is entitled to get one more additional increment and he applied for the same and since it has not been paid, came forward to file this writ petition.

4. The learned Counsel appearing for the petitioner, would submit that in the light of the order dated 29.4.2009, made in W.P.No.23708 of 2008, the petitioner is entitled to additional increment for having acquired M.Ed. (Tamil) qualification also and prays for appropriate orders.

5. Per contra, Mr.N.Srinivasan, learned Additional Government Pleader, who accepted notice on behalf of the respondents, would submit that in terms of G.O.(2D) No.15, School Education (C1) Department, dated 28.3.2013, beyond three additional increments, the petitioner is not entitled to get any additional increment and unless and until a successful challenge has been made to the said Government Order, he is not entitled to get any relief and prays for dismissal of this writ petition.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances, directs the second respondent to consider the petitioner's representation dated 22.9.2015, in accordance with law and pass orders thereon within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs.

Nsv

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

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To:

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+1 C.C. To MR.K.R.Gunashekar, Advocate in SR.NO.56810

+1 C.C. To Government Pleader in SR.NO.57614

W.P.No.33137 of 2015

KK(CO)
sd : 30/10/2015

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