

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.31601 of 2016

G.Kamalakannan

... Petitioner

vs.

1.The State of Tamil Nadu,
rep. by its Principal Secretary
to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 9.

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

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

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to sanction incentive increment for acquiring M.A. degree qualification and second set of incentive increment to the petitioner for acquiring M.A. degree qualification and permitted as per G.O.Ms.No.42 Education Department dated 10.1.1969 as amended in G.O.Ms. No.1023 Education, Science and Technology Department dated 9.12.1993 by considering the representation submitted by the petitioner, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.A.Zakir Hussain,
Govt. Advocate

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to sanction incentive increment for acquiring M.A. degree qualification and second set of incentive increment to him for acquiring M.A. degree qualification and permitted as per G.O.Ms.No.42 Education Department dated 10.1.1969 as amended in G.O.Ms. No.1023 Education, Science and Technology Department dated 9.12.1993 by considering the representation submitted by him, within a time frame to be fixed by this Court.

3. It is the case of the petitioner that he completed Diploma in Drawing in the year 1998 and obtained Teacher Training Certificate in the year 2002. While so, he was appointed as Special Teacher in Drawing in School Education Department through Employment Exchange on 24.4.2005. Thereafter, he was appointed as Special Teacher in Government Higher Secondary School, Gajalnaickenpatti on 1.6.2006. Presently, he is working in Government High School, Periyakuppam. While in service, he studied M.A (Economics) and he has also acquired B.Ed. Qualification in the year 2010. He has been sanctioned with incentive increment for acquiring B.A and B.Ed. He has approached the respondents for sanctioning second set of incentive increment for acquiring higher qualification of M.A. But, no orders have been passed by the respondents. The Government has introduced scheme for incentive increment for the teachers for acquiring higher qualification. In G.O.Ms.No.42 Education Department dated 10.1.1969, the Government ordered for granting incentive increment for the teachers acquiring higher qualification. Based on the Government orders, the teachers working in Government Schools and Aided Schools were granted incentive increment for acquiring higher qualification. It is the further case of the petitioner that the Secondary Grade Teachers and the specialist Teachers, who are working in the equal category, are entitled for granting second set of incentive increment for acquiring higher qualification. While so, when the Secondary Grade Teachers are given the benefit of second set of incentive increment for acquiring higher qualification, the same is denied to the Special Teachers. In this regard, the petitioner made a representation dated 16.8.2016 to the respondents seeking second set of incentive increment for acquiring higher qualification. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 16.8.2016 seeking incentive increment for acquiring M.A. degree qualification and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 9.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 6.
- 3.The Chief Educational Officer,
Vellore District, Vellore.

+1cc to Mr.G.Sankaran, Advocate Sr.51833
+1cc to the Government Pleader Sr.51927

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srg 27/09/2016