

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40031 to 40033 of 2016

V.Mohan .. Petitioner in W.P.No.40031 of 2016
L.Chandramohan Paulraj .. Petitioner in W.P.No.40032 of 2016
G.Rajasekaran .. Petitioner in W.P.No.40033 of 2016

Vs.

1. The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of Education,
Fort St.George, Chennai.
2. The Director of School Education,
College Road, Chennai.
3. The District Educational Officer,
Cuddalore Educational District,
Cuddalore.
.. Respondents 1 to 3 in all the Writ Petitions
4. The Head Master,
Government High School,
Sankaran Street,
Cuddalore-OT-607 003.
.. Fourth respondent in W.P.No.40031 of 2016
4. The Principal,
St.Joseph's Higher Secondary School,
(Government Aided),
Manjakuppam,
Cuddalore-607 001.
.. Fourth respondent in W.P.No.40032 of 2016
4. The Head Master,
Government Higher Secondary School,
Kurinjipadi,
Cuddalore.
.. Fourth respondent in W.P.No.40033 of 2016

Writ Petition No.40031 of 2016 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 14.06.2016.

Writ Petition No.40032 of 2016 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 08.09.2016.

Writ Petition No.40033 of 2016 filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the representation of the petitioner, dated 21.06.2016.

For Petitioners : Mr.K.Manikandan

For Respondents : Mr.K.Dhananjayan, Spl.G.P.

ORDER

The petitioners have filed these Writ Petitions praying for issuance of Writs of Mandamus to direct the respondents to consider the representations of the petitioners, dated 14.06.2016 (in W.P.No.40031 of 2016), 08.09.2016 (in W.P.No.40032 of 2016) and 21.06.2016 (in W.P.No.40033 of 2016).

2. It is the case of the petitioners that they are working as Physical Education Teachers in the fourth respondent-Schools. They have completed B.Sc. (Maths), B.Sc. (Physics) and B.A. (Economics) respectively and thereafter, completed Master's Degree in Physical Education from Annamalai University. They were appointed on 02.01.2001, 05.06.1995 and 05.01.2005 respectively as Physical Education Teachers in the Government High School, Periyakuppam (in W.P.No.40031 of 2016), in the fourth respondent-School (in W.P.No.40032 of 2016) and the Government High School, Pathirakottai (in W.P.No.40033 of 2016) and presently, they are working as Physical Education Teachers in the fourth respondent-Schools. During the course of their employment, after getting necessary permission, the petitioners have completed M.Phil (Physical Education) in 2002, 2007 and 2008 respectively. It is further stated that the Government of Tamil Nadu issued G.O.Ms.No.324, Education Department, dated 25.04.1995, granting incentive increments to the persons who have acquired higher education in respect of their respective fields, i.e. the Physical Education, in the instant case. Hence, the petitioners claim that they are entitled to get incentive increments from 2002, 2007 and 2008 respectively. This Court has granted such relief to the similarly placed persons. Hence, the petitioners have made representations to the respondents on 14.06.2016, 08.09.2016 and 21.06.2016 respectively, for considering their request based on the said G.O. as well as based on W.A.(MD).No.324 of 2014. Since no action has been

taken, the petitioners have preferred these Writ Petitions for the reliefs stated supra.

3. When the Writ Petitions are taken up for consideration, learned counsel for the petitioners submitted that it would suffice, if a direction is issued to the respondents to consider the said representations in the light of G.O.Ms.No.324 stated above and also based on the order passed by the Division Bench (Madurai Bench) in W.A.(MD).No.324 of 2014.

4. Accordingly, without going into the merits of the case, considering the limited scope of the prayer sought for in these Writ Petitions and also taking into consideration the factual aspects of the matter, this Court directs the respondents to consider the said representations, dated 14.06.2016, 08.09.2016 and 21.06.2016 respectively and pass appropriate orders in the light of the said G.O.Ms.No.324 and also the said order of the Division Bench (Madurai Bench) in W.A.(MD).No.324 of 2014 and dispose of the said representations, 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 on the merits of the claim of the petitioners and it is for the respondents to decide the same at the time of disposing of the said representations.

5. With the above observations and directions, the Writ Petitions are disposed of. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

Copy to

1. The Secretary to Government of Tamilnadu
Department of Education,
Fort St.George, Chennai.

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

3. The District Educational Officer,
Cuddalore Educational District,
Cuddalore.

+3 cc's to Mr.K.Manikandan, advocate, sr.65635

+1 cc to Govt.Pleader, sr.66109.

nm(co)

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