

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.42028 of 2016

K.Vijayalakshmi

... Petitioner

vs.

1. District Educational Officer,
Nagapattinam.

2. Secretary & Correspondent,
National Higher Secondary School,
Nagapattinam - 611 001.
Nagapattinam District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, to direct the respondents to sanction annual increment from 2001, also incentive increment for higher qualifications for M.Ed., and M.Phil, and VI Pay Commission Pay fixation, by considering the petitioner's representation dated 12.08.2009 and 11.11.2015.

For Petitioner : Mr.P.Ganesan
for M/s.C.S.Assocaites

For Respondents: Mr.V.Anandha Moorthy,
Additional Govt. Pleader (Education)

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, seeking for issuance of a writ of mandamus, to direct the respondents to sanction annual increment from 2001, also incentive increment for higher qualifications for M.Ed., and M.Phil, and VI Pay Commission Pay fixation, by considering her representations dated 12.08.2009 and 11.11.2015.

3. The case of the petitioner is that she was originally appointed as Library Assistant by the Second respondent School Management on 29.04.1998. Thereafter, the petitioner was appointed as PG Assistant -Zoology under Rule 15(4) of Tamil Nadu Recgonized Private Schools (Regulation) Act and Rules on

03.12.1998 and the same was approved by the Department. While so, on the basis of the Audit Objection, explanation was called for from the management. Challenging the same, the petitioner filed W.P.No.10712 of 2000 and the same was dismissed by this Court on 29.06.2000. In view of the dismissal of the writ petition, the 2nd respondent issued a show cause notice on 11.01.2002, as to why she should not be terminated from the post of PG Assistant - Zoology. Challenging the same, the petitioner filed W.P.No.1005/2002 and the same was allowed by this Court on 14.09.2007.

4. It is the further case of the petitioner that even though his appointment as PG Assistant was approved with effect from 03.12.1998, she was not given annual increment from 2001. Furthermore, she is entitled for annual increment and also incentive increment as she has acquired higher qualification of M.Ed. and M.Phil. Whenever the petitioner requested the respondents for annual increment, they stated that the writ petition is pending before this Court. Even the writ petition was allowed by this Court, the respondents did not come forward to sanction annual increment, incentive increment and pay revision. Hence, the petitioner made a representation on 12.08.2009, followed by reminders on 11.11.2015. The second respondent school management also forwarded the same to the first respondent on 17.11.2015. However, the first respondent has not taken action in sanctioning annual increment, incentive increment and pay revision. Hence, the present writ petition has been filed.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the petitioner to give a fresh representation along with a copy of this order to the first respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent is directed to consider the representation of the petitioner and pass orders thereon, on merits and in accordance with law, within a period of six weeks thereafter. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

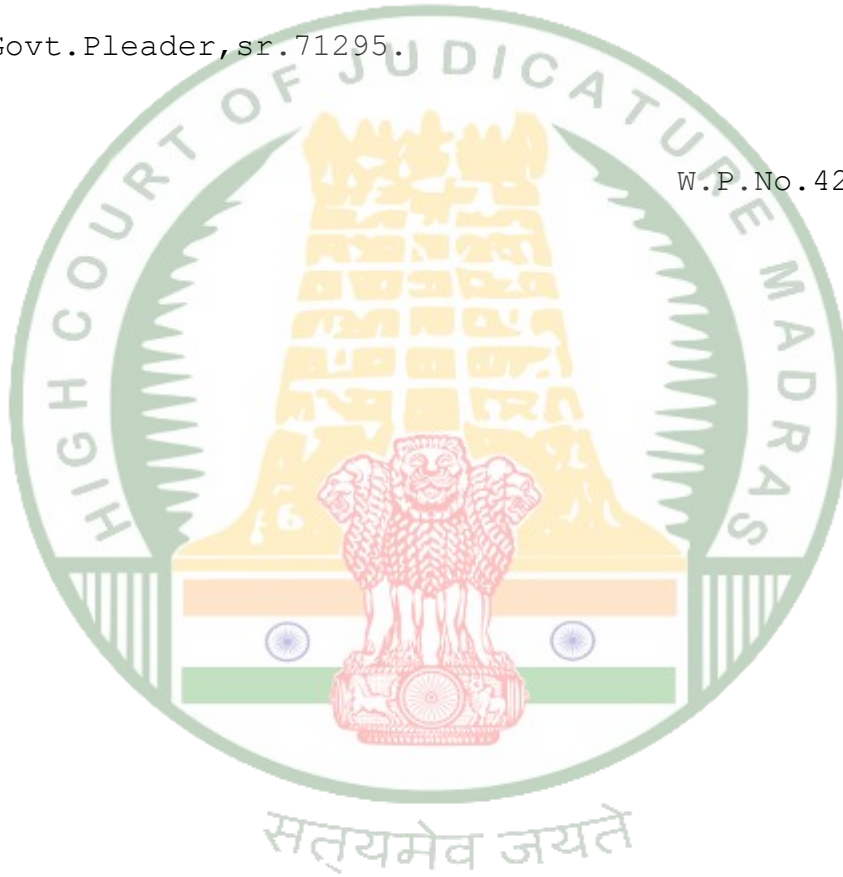
1. The District Educational Officer,
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Nagapattinam District.

+1 cc to M/s.C.S.Associates,sr.70758

+1 cc to Govt.Pleader,sr.71295.

mp(co)
krd 18/1

W.P.No.42028 of 2016



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