



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.08.2016**

CORAM :

THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO

and

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) No.1187 of 2016 & C.M.P(MD)No.7725 of 2016

Writ Appeal (MD) No.1188 of 2016
& C.M.P(MD)Nos.7726 & 7727 of 2016

Writ Appeal (MD) No.1195 of 2016 & C.M.P(MD)No.7838 of 2016 &

Writ Appeal (MD) No.1196 of 2016
& C.M.P(MD)Nos.7839 & 7940 of 2016

W.A. (MD)No.1187 of 2016:

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort.St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
- 4.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District. ...Appellants/Respondents 1 to 4

-Vs-

- 1.S.Sree Kumar,
P.G.Assistant in Chemistry,
T.C.K.Higher Secondary School,
Pandanthalumoodu & Post,
Kanyakumari District-629 194...1st Respondent/Writ Petitioners
- 2.The Correspondent,
T.C.K.Higher Secondary School,
Pandanthalumoodu & Post,
Kanyakumari District-629 194....2nd Respondent/5th Respondent

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.01.2016 made in W.P(MD)No.1417 of 2016.

Prayer in WP(MD)No. 1417/2016 :

Writ petition filed Under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in A.Thi.Mu.No. 774/A2/2013 dated 29.5.2013, quash the same, and further Direct the respondents to sanction two advanced increments to the petitioner for acquiring M.Phil Degree w.e.f.13.04.2009.

W.A. (MD) No. 1188 of 2016:

1. The State of Tamil Nadu,
Rep. by its Secretary, Department of School Education,
Fort. St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 009.
3. The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
4. The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District. ...Appellants/Respondents 1 to 4

-Vs-

1. C. Wilson Sundar Raj ...1st Respondent/Writ Petitioner
2. The Correspondent,
T.C.K. Higher Secondary School,
Pandanthalumoodu & Post,
Kanyakumari District-629 194...2nd Respondent/5th Respondent

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.01.2016 made in W.P(MD) No. 1418 of 2016.

Prayer in WP(MD) No. 1418/2016 :

Writ petition filed Under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to sanction two advanced increment to the petitioner for acquiring M.Phil Degree w.e.f. 13.04.2009.

W.A. (MD) No. 1195 of 2016:

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort. St. George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 009.
3. The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
4. The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District. ...Appellants/Respondents 1 to 4

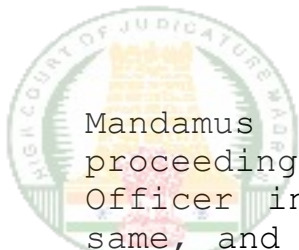
-Vs-

1. V. Kumara Dhas ...1st Respondent/Writ Petitioner
2. The Correspondent,
T.C.K. Higher Secondary School,
Padanthalumoodu & Post,
Kanyakumari District-629 194...2nd Respondent/5th Respondent

Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.01.2016 made in W.P(MD) No. 1354 of 2016.

Prayer in WP(MD) No. 1354/2016 :

Writ petition filed Under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari



Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in A.Thi.Mu.No. 769/A2/2013 dated 03.05.2013, quash the same, and further Direct the respondents to sanction two advanced increments to the petitioner for acquiring M.Phil Degree w.e.f.13.04.2009.

W.A. (MD) No.1196 of 2016:

- 1.The State of Tamil Nadu,
Rep.by its Secretary,
Department of School Education,
Fort.St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
- 4.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District. ...Appellants/Respondents 1 to 4

-Vs-

- 1.G.Vijaya Kumaran ...1st Respondent/Writ Petitioner
 - 2.The Correspondent,
T.C.K.Higher Secondary School,
Padanthalumoodu & Post,
Kanyakumari District-629 194...2nd Respondent/5th Respondent
- Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.01.2016 made in W.P(MD)No.1355 of 2016.

Prayer in WP(MD) No. 1355/2016 :

Writ petition filed Under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to sanction two advanced increment to the petitioner for acquiring M.Phil Degree w.e.f.13.04.2009.

For Appellants

in all WAs

: Mr.VR.Shanmuganathan

Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered
by **NOOTY.RAMAMOohana RAO,J**)

These Writ Appeals have been preferred by the State Government aggrieved by the directions issued by the learned Single Judge, for consideration of the case of the writ petitioners for grant of incentive increments for having acquired higher qualification.

2. There is no dispute with regard to the policy decision of the State Government to accord incentive increment for acquiring the higher qualifications. But however, the dispute centered around is as to whether the higher qualification acquired by the

<https://www.services.eport.gov.in/services> is from a recognized institution or not.

3. The learned Special Government Pleader, thankfully has placed before us the order passed by the State Government

contained in G.O.Ms.No.39, Personnel and Administrative Reforms (S) Department, dated 30.04.2014, making necessary amendments to the General Rules in Part II of the Tamil Nadu State and Subordinate Services Rules (Volume I of the Tamil Nadu Services Manual, 1987).

4. Insofar as the State of Tamil Nadu is concerned at Serial No.501, the following institution finds its name, i.e. Ponnaiyah Ramajayam Institute of Science & Technology (PRIST), Yagappa Chavadi, Thanjavur-614 904, Tamil Nadu (Deemed University), in the list of Universities and Institutions recognized by the University Grants Commission.

5. When once the University Grants Commission itself recognized the Institute where from the petitioners have obtained their higher educational qualifications, it goes without saying that they are in possession of valid higher educational qualifications which as per the policy decision of the State Government, their incentive increments have got to be awarded.

6. Therefore, we find no merit in the appeals and accordingly, the appeals are dismissed. No costs. Consequently, the connected Miscellaneous petitions are dismissed.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

TO

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort.St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 009.
- 3.The Chief Educational Officer,
Kanyakumari District at Nagercoil-629 001.
- 4.The District Educational Officer,
Kuzhithurai at Marthandam,
Kanyakumari District.

Gsr

JA-KP-02.09.2016/4P:5C

Writ Appeal (MD) No.1187 of 2016 & C.M.P(MD)No.7725 of 2016
Writ Appeal (MD) No.1188 of 2016
& C.M.P(MD)Nos.7726 & 7727 of 2016
Writ Appeal (MD) No.1195 of 2016 & C.M.P(MD)No.7838 of 2016 &
Writ Appeal (MD) No.1196 of 2016
& C.M.P(MD)Nos.7839 & 7940 of 2016
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