



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.16835 of 2016

and WMP (MD)No.12210 of 2016

S.Thamilarasi

... Petitioner

-vs-

1.The Director of Elementary Education,
College Road,
Chennai - 600 006.

2.The District Elementary Educational Officer,
Tuticorin,
Tuticorin District.

3.The Assistant Elementary Educational
Officer, Udangudi Union,
Tuticorin District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent herein vide proceedings A.Thi.Mu.No.240/A1/2013 dated 07.10.2013 quash the same and further direct the respondents herein to sanction one set of incentive increments for acquiring M.A degree w.e.f.03.06.2010 instead of sanction it from 04.02.2013 and also sanction one set of incentive increments for acquiring B.Ed. degree w.e.f.04.02.2013 to the petitioner.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.S.Kumar
Additional Government Pleader**O R D E R**

This writ petition has been filed to quash the impugned proceedings issued by the third respondent dated 07.10.2013 and consequently direct the respondents to sanction incentive increments for acquiring M.A and B.Ed., degrees.



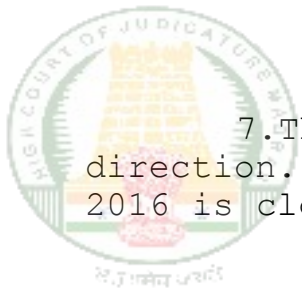
2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3. The petitioner was initially working as Headmistress in Panchayat Union Middle School, Udangudi. She was promoted as Primary School Headmistress on 18.06.2001 and posted in the Panchayat Union Primary School, Kuthiraimozhi, Udangudi Union. Thereafter, she completed M.A and B.Lit., degrees during May 2007 and May 2009 respectively. She has also completed B.Ed., degree on 03.02.2013 and therefore she is entitled to get incentive increments. The petitioner has submitted a proposal to the third respondent to sanction two set of incentive increments. One set of incentive increment was granted to the petitioner for M.A. degree from 04.02.2013 instead of 03.06.2010. In so far as B.Ed., degree is concerned, incentive increment was refused by the third respondent, when similarly placed persons were sanctioned incentive increment. Hence, the petitioner has given a representation dated 01.09.2014 to the third respondent. As the same has not been considered so far, the petitioner is before this Court.

4. The learned counsel for the petitioner pointed out the two proceedings dated 01.04.2013 and 29.09.2014 issued by the District Elementary Educational Officer. In the proceeding dated 29.09.2014, incentive increment has been ordered from the next date on which, the person who has completed his examination and not even from the date on which results have been declared. Under such circumstances, it is pointed out that the order declining incentive increment by the Assistant Elementary Educational Officer/third respondent herein to the petitioner, is illegal and it is discriminatory and is liable to be set aside.

5. A perusal of the impugned order dated 07.10.2013 would clearly go to show that the same is illegal and therefore, it is set aside.

6. The petitioner has claimed one set of incentive increment for acquiring M.A. degree with effect from 03.06.2010 instead of earlier sanction from 04.02.2013 and another set of incentive increment for acquiring B.Ed., degree with effect from 04.02.2013. Therefore, the petitioner is permitted to make a representation to the District Elementary Educational Officer/second respondent herein and on receipt of such representation, it is expected of the third respondent to pass orders in tune with the earlier



7.The Writ Petition is disposed of with the above direction. No costs. Consequently, connected WMP(MD)No.12210 of 2016 is closed.

Sd/
Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
College Road,
Chennai - 600 006.
- 2.The District Elementary Educational Officer,
Tuticorin,
Tuticorin District.
- 3.The Assistant Elementary Educational
Officer, Udangudi Union,
Tuticorin District.

+1 cc to Special Government Pleader Sr.No.54690

+1 ccto M/S.A.AJITH GEETHAN, Advocate Sr.No.54525

W.P (MD) No.16835 of 2016
21.09.2016

SMA/SKS-RR/19/10/2016 :3P/6C