



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.16946 of 2016

P.Vijayalakshmi

.. Petitioner

Vs.

1.The Secretary to Government,
School Education,
Fort St.George, Chennai -9.

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

3.The Chief Educational Officer,
Madurai District,
Tallkulam, Madurai.

4.The District Educational Officer,
Usilampatti Educational District,
Usilampatti, Madurai District.

5.The Headmaster,
Government Girls Higher Secondary School,
Thirumangalam,
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to sanction 3rd incentive increment to the petitioner from the date of possessing M.Phil. degree i.e. from 30.06.2009 in the light of the order of this Honble Court dated 20.12.2007 in W.P(MD) No. 2528 of 2007 order dated 12.04.2011 in W.P.No. 9200 of 2011 order dated 05.07.2013 in W.P(MD) No. 7291 of 2013 batch order dated 24.07.2013 in W.P(MD) Nos.11802 of 2013 and batch, order dated 18.09.2014 in w.A.(MD)No.867 of 2014 and in the light of G.O.Ms.No.17, School Education Department, dated 08.01.2008, G.O.Ms.No.209, School Education Department, dated 08.07.2010 and G.O.(2D)No.15, School Education Department, dated 28.03.2013.

For petitioner

... Mr.C.Arul Vadivel Alias Sekar

<https://hcservices.ecourts.gov.in/Reserve>

For Respondents

... Mr.S.Bharathi

Government Advocate

**ORDER**

The petitioner has filed the present writ petition to direct the third respondent to sanction 3rd incentive increment to the petitioner from the date of possessing M.Phil. degree i.e. from 30.06.2009 in the light of several orders passed by this Court as well as several Government Orders in G.O.Ms.No.17, School Education Department, dated 08.01.2008, G.O.Ms.No.209, School Education Department, dated 08.07.2010 and G.O.(2D)No.15, School Education Department, dated 28.03.2013.

2.The petitioner is working as P.G.Assistant (History) in the Government Girls Higher Secondary School, Thirumangalam, Madurai District. She joined the service as B.T.Assistant on 17.09.1993 in Gandhi Niketan Higher Secondary School, T.Kallupatti, Madurai District and subsequently promoted as B.T.Assistant on 16.07.1997. She has acquired M.Ed., degree in the year 1994 and M.A., (History) degree in the 1996, while she was working as B.T.Assistant. She was granted first advance incentive increment on 07.05.1994 for passing M.Ed., degree and 2nd advance incentive increment on 24.06.1996 for passing M.A. (History) etc.

3.It is represented that several teachers have received the third incentive increment after obtaining orders from this Hon'ble Court. The learned counsel for the petitioner would submit that those Judgments are not Judgment in personam, but Judgments in rem and hence, those Judgments are binding upon the respondents and therefore, it is the third respondent, who should have considered the request of the petitioner, even without a request having been made.

4.The learned counsel for the respondents would submit that the respondents are prepared to consider the request of the petitioner in the light of the Government Orders available and also in the light of the several Judgments passed in these type of cases.

5.In view of the above submissions, the third respondent is directed to consider the representation of the petitioner and pass orders within a period of two weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1.The Secretary to Government,
School Education, Fort St.George, Chennai -9.

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

3.The Chief Educational Officer,
Madurai District, Tallkulam, Madurai.

4.The District Educational Officer,
Usilampatti Educational District,
Usilampatti, Madurai District.

5.The Headmaster,
Government Girls Higher Secondary School,
Thirumangalam, Madurai District.

+1 CC to Mr.C.ARUL VADIVEL @ SEKAR, Advocate, SR No.51013

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.51492

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