



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE **S.VIMALA**

W.P(MD)Nos.19428 to 19431 of 2016

and

W.M.P(MD)Nos.14008 to 14011 of 2016

P.Murugesan : Petitioner in
W.P(MD)No.19428 of 2016

M.Sasikala : Petitioner in
W.P(MD)No.19429 of 2016

Florence Devamanohari : Petitioner in
W.P(MD)No.19430 of 2016

M.Leelavathi : Petitioner in
W.P(MD)No.19431 of 2016

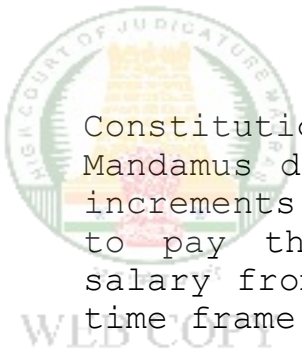
Vs.

1.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

2.The District Educational Officer,
Virudhunagar District,
Virudhunagar.

3.Kalaimagal Higher Secondary School
rep. by its Secretary,
P.Panjurajan,
91-A, Nadar Nandhavana Street,
Thiruthangal - 626 130,
Virudhunagar District.

: Respondents in all W.Ps.



Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification and to pay the arrears of incentive increments and difference in salary from the date of acquiring higher qualification within the time frame that may be fixed by this Honble Court.

Prayer in WP(MD). 19429/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification namely B.A., B.Ed., and M.A., degrees and to pay the arrears of incentive increments and difference in salary from the date of acquiring higher qualification within the time frame that may be fixed by this Honble Court annum.

Prayer in WP(MD). 19430/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification namely B.A., B.Ed., and M.A., degrees and to pay the arrears of incentive increments and difference in salary from the date of acquiring higher qualification within the time frame that may be fixed by this Honble Court annum.

Prayer in WP(MD). 19431/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification and to pay the arrears of incentive increments and difference in salary from the date of acquiring higher qualification within the time frame that may be fixed by this Honble Court.

For Petitioner : Mr.A.Rahul
in all W.Ps.

For Respondents : Mr.V.Pandi,
1 and 2 in all W.Ps. Government Advocate.

C O M M O N O R D E R

These writ petitions have been filed for issuance of Writ of Mandamus, directing the respondents to sanction eligible incentive increments to the petitioners on acquiring higher qualification, namely, B.A., B.Ed., and M.A., degrees and to pay the arrears of incentive increments and difference in salary from the date of acquiring higher qualification, within the time frame to be fixed by this Court.



2.Mr.V.Pandi, learned Government Advocate, takes notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate appearing for the respondents.

4.The case of the petitioners is that they are working as Secondary Grade Teachers in the third respondent school, which is a Government Aided School. They are entitled for incentive increments for acquiring higher educational qualifications, namely, B.A., B.Ed., and M.A., degrees. The petitioners made representations, dated 20.05.2016 and 21.05.2016 to the third respondent praying to grant the incentive increments and the third respondent also sent the proposal dated 31.05.2016 to the second respondent for necessary approval. But, the second respondent, vide proceedings, dated 03.06.2016, returned the same on the ground that the third respondent had not stated whether prior permission has been obtained for pursuing higher studies. Thereafter, the third respondent has not resubmitted the proposal to the second respondent. Therefore, the petitioners have come up with these writ petitions.

5.The petitioners submitted representations to the third respondent seeking incentive increments on the ground that they possessed higher educational qualifications and the third respondent sent the proposal dated 31.05.2016 to the second respondent for approval and the same has been returned by the second respondent asking for relevant Government Orders. But, the proposal was not resubmitted by the third respondent. Under such circumstances, these writ petitions have been filed.

6.It is brought to the notice of this Court that in similar circumstances, in respect of a teacher, who is working in the same school, there was an order passed by this Court in W.P(MD)No.1644 of 2016, dated 27.01.2016, directing the authorities to consider the representation of the petitioner therein and pass orders within a period of eight weeks from the date of receipt of the order and the said order is stated to have been complied with and incentive increment has been granted. Under such circumstances, the petitioners ought not to have been driven to file these writ petitions. Keeping that in mind, the third respondent is directed to resubmit the proposal along with necessary documents and relevant Government Orders, to the second respondent within a period of four weeks from the date of receipt of a copy of this order and the second respondent shall pass further orders on the same, within a period of four weeks, thereafter.



7. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
2. The District Educational Officer,
Virudhunagar District,
Virudhunagar.
3. The Secretary, P. Panjurajan,
Kalaimagal Higher Secondary School
91-A, Nadar Nandhavana Street,
Thiruthangal - 626 130,
Virudhunagar District.

+4 CC to Mr. A. RAHUL, Advocate, SR No. 59795 TO 59798

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 60551

COMMON ORDER MADE IN
W.P (MD) Nos. 19428 to 19431 of 2016
and
W.M.P (MD) Nos. 14008 to 14011 of 2016
06.10.2016

smn

SH/GSV-PM:24.10.2016:3P/9C