



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20338 of 2016

and

W.M.P (MD) No.14540 of 2016

T.Sasi Priya

: Petitioner

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

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the third respondent to resubmit the proposal dated 09.08.2016 to the second respondent and further directing the second respondent to grant approval for sanctioning and paying incentive increments to the petitioner for acquiring higher qualification i.e., B.A., B.Ed. and M.A. degrees within the time limit that may be fixed by this Court.

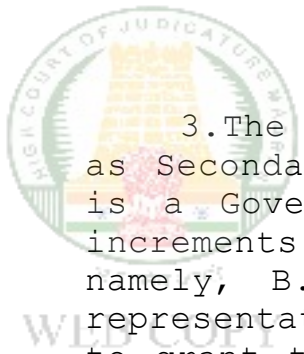
For Petitioner : Mr.A.Rahul

For Respondents 1 & 2 : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to resubmit the proposal dated 09.08.2016 to the second respondent and further directing the second respondent to grant approval for sanctioning and paying incentive increments to the petitioner for acquiring higher qualification i.e., B.A., B.Ed. and M.A. degrees within the time limit that may be fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who took notice for the respondents 1 and 2. By consent, the writ petition itself is taken up for final disposal.



3.The case of the petitioner is that the petitioner is working as Secondary Grade Teacher in the third respondent school, which is a Government Aided School. She is entitled for incentive increments for acquiring higher educational qualifications, namely, B.A., B.Ed., and M.A., degrees. The petitioner made representation, dated 04.02.2016 to the third respondent praying to grant the incentive increments and the same was considered by the third respondent and third respondent granted two incentive increments and forwarded the proposal dated 09.08.2016 to the second respondent for necessary approval. But, the second respondent, vide proceedings, dated 26.08.2016, returned the same on the ground that no prior permission was obtained for pursuing higher studies. Thereafter, the third respondent has not resubmitted the proposal to the second respondent. Therefore, the petitioner has come up with this writ petition.

4.The learned counsel for the petitioner would submit that even before joining the services of the third respondent, the petitioner has started her studies and even after joining the service, she obtained necessary permission from the concerned authority i.e., from the third respondent. The learned counsel for the petitioner would further submit that a similarly placed teacher of the third respondent school was granted incentive increment for acquiring B.Ed., degree after entering into the services of the third respondent school and the petitioner prays for the same benefit. Raising these contentions, the petitioner submitted a representation dated 07.10.2016 to the third respondent school, but the third respondent school has not re-submitted proposal to the second respondent.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that it is agreeable for the second respondent to consider the proposal to be re-submitted by the third respondent school and to pass appropriate orders.

6.Recording the submission made by the learned Additional Government Pleader appearing for the respondents 1 and 2, the Writ Petition is disposed of with the direction to the third respondent to resubmit the proposal 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. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

/True copy/



To

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

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

+2cc to Mr.A.Rahul, Advocate Sr.No.63009,63010
+1cc to special Government Pleader SR.No.64222

smn

sm:DB:08/12/2016:3P/6C

ORDER MADE IN
W.P (MD) No.20338 of 2016
and
W.M.P (MD) No.14540 of 2016
24.10.2016
1/2