



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.20873 of 2016

N.Alagarsamy

: 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,
Virudhunagar District,
Virudhunagar.

4.The District Educational Officer,
Aruppukkottai Educational District,
Aruppukkottai, Virudhunagar District.

5.The Headmaster,
Government Higher Secondary School,
Tamilpadi, 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 sanction 3rd incentive increment to the petitioner from the date of possessing M.Phil. degree i.e. from 18.04.2016 in the light of the order of this Court dt.20.12.2007 in W.P.(MD)No.2528 of 2007, order dated 12.04.2011 in W.P.No.9200 of 2011, order dt. 5.7.2013 in W.P.(MD)Nos.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/hcservices/> For Respondents

: Mr.M.Murugan,
Government Advocate.



O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus, directing the third respondent to sanction third incentive increment to the petitioner from the date of possessing M.Phil. degree i.e., from 18.04.2016.

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

3. The case of the petitioner is that the petitioner is now working as B.T. Assistant in the fifth respondent school, namely, Government Higher Secondary School, Tamilpadi, Virudhunagar District. He joined service as B.T. Assistant on 16.03.2007 and he acquired M.Phil. degree on 18.04.2016. He had received two advance incentive increments for M.Sc. and M.Ed. From 16.03.2007. He submitted an application dated 21.09.2016 for third advance incentive increment for his M.Phil. qualification. Since, the third respondent has not passed any order, this writ petition has been filed.

4. When the matter is taken up for hearing, the learned counsel appearing for the petitioner would submit that the issue involved in the writ petition has already been decided by this Court, vide Judgment, dated 18.09.2014 made in W.A(MD)No.867 of 2014.

5. The learned Government Advocate has not disputed the above said submission made by the learned counsel for the petitioner.

6. Therefore, in the light of the Judgment passed in W.A(MD) No.867 of 2014, dated 18.09.2014, the writ petition is allowed and the respondents are directed to sanction third incentive increment to the petitioner for having acquired higher qualification of M.Phil. degree, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
<https://hcservices.ecourts.gov.in/hcservices/>
School Education, Fort St. George,
Chennai - 9.



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

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

4.The District Educational Officer,
Aruppukkottai Educational District,
Aruppukkottai, Virudhunagar District.

5.The Headmaster,
Government Higher Secondary School,
Tamilpadi, Virudhunagar District.

+1cc to special Government Pleader Sr.No.64952

smn

sm:SS3:09/12/2016:3P/7C

ORDER MADE IN
W.P (MD) No.20873 of 2016
01.11.2016
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