



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 04.11.2016
CORAM :

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P(MD)No.21053 of 2016
and
W.M.P(MD)No.15053 of 2016

R.Vimala

... 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.K.Ganesan,
91-A, Nadar Nandhavana Street,
Thiruthangal-626 130,
Virudhunagar District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification namely M.A. degree 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 Hon'ble Court.

For Petitioner : Mr.A.Rahul
For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This Writ of Mandamus has been filed seeking for a direction to the respondents to sanction eligible incentive increments to the petitioner on acquiring higher qualification namely, M.A. degree 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 Court.

<https://hcservices.courts.gov.in/hcservices/>
2. The petitioner is a Craft Teacher employed in the 3rd respondent school on part time basis with effect from 02.11.1987;



her services were regularised from 28.07.1997; the petitioner acquired B.A., and B.Ed., in 1998 and September 1990 respectively; while she was working as part time teacher, she acquired M.A degree in April 1998; she was sanctioned with two sets of incentive increments for acquiring B.Ed., degree as well as M.A., degree and the same was countersigned by the Assistant Elementary Educational Officer, Sivakasi, on 08.07.1999; while so, the Management of the school sought to recover the incentive increment granted to the petitioner, citing audit objection that Craft Teachers are not entitled for incentive increment; the petitioner made a representation dated 29.09.2016 seeking incentive increment and that the same was not considered. Hence, this writ petition.

3.The learned counsel for the petitioner has contended that the objections raised by the respondents are not maintainable and in support of the same, he has relied upon a Division Bench judgment of this Court in **R.Kallanda Perumal vs. The Registrar, Tamil Nadu Administrative Tribunal and others**(W.P.No.12261 of 2004, dated 26.06.2008), whereunder, at paragraph 8, it has been held as follows:-

'8.Even though ordinarily the expression 'Post Graduate teacher' only mean a teacher possessing Post Graduate degree, it has to be considered that, for the subject concerned, the prescribed qualification was graduation. Therefore, the fact that the petitioner had acquired higher qualification such as M.Com., cannot be lost sight of. That apart, the petitioner had also acquired the degree of M.Phil and M.Ed. The fact that a graduate was eligible to be vocational teacher was irrelevant for considering the applicability of the relevant G.Os according incentive increment.'

4.The learned Special Government Pleader appearing for the respondents would submit that it is agreeable for the respondents to consider the representation of the petitioner dated 29.09.2016 and to pass orders within a time frame.

5.Recording the submission made by the learned Special Government Pleader, this Writ Petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 29.09.2016, in the light of the Division Bench judgment in W.P.No.12261 of 2004, dated 26.06.2008(supra) and to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, W.M.P(MD)No.15053 of 2016 is closed.

Sd/-

Assistant Registrar (AE)



To

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

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

+2 CC to Mr.A.RAHUL, Advocate, SR No.65988 & 66404

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.66613

W.P (MD) No.21053 of 2016

04.11.2016

nbi

SH/GSV-PM:29.11.2016:3P/6C