



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.22863 of 2016

P.Gnanasekaran

...Petitioner

-vs-

1.The State of Tamil Nadu,
by the Secretary,
Education Department,
Fort St.George, Chennai - 9.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

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

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Certiorarified Mandamus to call for the records pertaining to impugned order of the 2nd respondent made in Na.Ka.No.023841/A/E1/2015 dated 00.08.2015 and quash the same as illegal and consequently to direct the 2nd respondent to pay one incentive increment to the petitioner for possessing M.Phil Degree.

For petitioner

... Mr.D.Venkatesh

For Respondents

... Mr.T.S.Mohammed Mohideen

Additional Government Pleader

O R D E R

The petitioner's claim for incentive increment has been rejected by the second respondent dated 00.08.2015, on the ground that there is no provision for grant of incentive increment. This order is under challenge in this writ petition.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. By consent, the writ petition itself is taken up for final disposal at the stage of admission.

3.The petitioner was appointed as Physical Education Director, Grade - I on 12.02.1982. He retired from service on 30.04.2012 as a Headmaster. On 20.12.1993, G.O.Ms.No.1170 was issued giving one incentive increment to the post of graduate teachers who are having higher educational qualification on or before 31.03.1993. On 10.10.2006, G.O.Ms.No.194 was introduced extending the benefit of incentive increment to the teachers who acquired higher educational qualification after 01.03.1993. On



04.12.2002, the petitioner got M.Phil., degree in physical education. Though, G.O.Ms.No.324 dated 25.04.1995, the Government has clarified that the teachers in physical education are also eligible for incentive increment for higher educational qualification, the request of the petitioner was not considered. Now, expressly, G.O.Ms.No.177, dated 13.10.2016 was passed specifically stating that the Physical Education Directors Grade - I are also eligible for incentive increment. Therefore, the order passed by the second respondent has to be set aside.

4.The learned Additional Government Pleader for the respondents would submit that even though Physical Education Teachers were included in G.O.Ms.No.324 dated 24.05.1995, M.Phil., degree was not originally recognised, but, now M.Phil., degree is included.

5.Under such circumstances, this writ petition is allowed and the impugned order dated 00.08.2015 is set aside and the matter is remanded back to the second respondent and the second respondent is directed to consider the claim of the petitioner in the light of G.O.Ms.No.177, dated 13.10.2016 and other relevant G.Os. within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, WMP(MD)No.16351 of 2016 is closed.

Sd/-

Assistant Registrar(CS-I)

/True copy/

Sub Assistant Registrar(CS)

To

1.The Secretary,
State of Tamil Nadu,
Education Department,
Fort St.George, Chennai - 9.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

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

+1cc to M/s.D.Venkatesh, Advocate in SR.74267

+1cc to the Special Government Pleader, in SR.78099

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