



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2016

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P. (MD) No.8034 of 2016

R.Manivel

.. Petitioner

Vs.

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

2.The Director of Elementary Education,
DPI Campus,
Chennai -6.

3.The District Educational Officer,
Dindigul - 624 001,
Dindigul District.

4.The Correspondent,
C.S.M.A Higher Sec. School,
Ma. Mu. Kovilur,
Dindigul - 624 005.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to sanction the third incentive increment for possessing the qualification of M.Phil to the petitioner within a stipulated time.

For petitioner ... Mr.T.A.Ebenezer

For R-1 to R-3 ... Mr.Aairam K.Selvakumar
Government Advocate

ORDER

Mr.Aairam K.Selvakumar, learned Government Advocate takes notice on behalf of respondent Nos.1 to 3. By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel appearing on either side.

3. The petitioner was appointed as B.T. Assistant on 01.12.2000 in C.S.M.A Higher Secondary School, Ma. Mu. Kovilur, Dindigul and thereafter, promoted as P.G. Assistant (English) on 01.07.2007. Now he is working as P.G. Assistant (English) in the above said School. He is qualified with B.Sc., M.A. (English). B.Ed., M.Ed., and M.Phil(History). The grievance of the petitioner is that he has not been granted third incentive increment for possessing M.Phil degree. It is his case that in similar matters, this Court had granted orders directing the Government to grant third incentive increment for acquiring higher degree. It is pointed out by the learned counsel for the petitioner that one such order is passed in a batch of writ petitions in W.P.(MD)No.11802 of 2013, etc. batch. This Court, while considering the said batch of writ petitions, has held that the said judgment would be treated as judgment *in rem* as the issue was finally settled therein. The petitioner seems to have made a representation to the authorities on 06.01.2016 and as there was no response on the same, he has filed this writ petition.

4. In view of the above, the third respondent shall consider the representation of the petitioner, dated 06.01.2016 in the light of the judgment referred to in the above said batch of writ petitions and pass appropriate orders within a period of four weeks thereafter and to report compliance to this Court.

5. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

.The Secretary to Government,

State of Tamil Nadu,

School Education Department, St. George Fort, Chennai -9.

2. The Director of Elementary Education, DPI Campus, Chennai -6.

3. The District Educational Officer,

Dindigul - 624 001, Dindigul District.

+one cc to M/s.T.A.Ebenezer, Advocate in SR.No.23309

+one cc to The Special Government Pleader in SR.No.23607

pm

CSL/GSV/12.05.2016 :2P/6C

W.P. (MD) No. 8034 of 2016

25.04.2016