

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32255 of 2017

M.Sumathi

.. Petitioner

-vs-

1. The Secretary to Government
School Education Department
Secretariat
Chennai 600 009

2. The District Elementary Educational Officer
Dharmapuri District ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the representation dated 10.11.2012, 03.01.2015, 07.07.2015 and to grant incentive increment as per G.O.Ms.No.324, Education, Science and Technology Department dated 25.04.2005, taking note of the acquaintance of B.Com and B.Ed Degree.

For Petitioner :: Mr.P.Paramasivadosh

For Respondents :: Mr.ERA.Premnath
Government Advocate

ORDER

The petitioner is working as Headmistress in the Panchayat Union Primary School, Indur, Nallampalli Block, Dharmapuri District. She joined the service as a Secondary Grade Teacher in Panchayat Union Primary School, Anganampudur on 8.8.97 in the scale of pay of Rs.1200-30-1560-40-2040. At the time of entry, she had the qualification of Diploma in Teacher Education and she was also granted the selection grade pay on completion of ten years of service. After sometime, she was promoted as Headmistress on 21.9.2011 and drawing the scale of pay of Rs.9300-34800+GP 4500. But she claims that after obtaining the B.Com degree from University of Madras on 12.2.98, she has also acquired the M.Com degree from Annamalai University on 5.2.2008 and also the Bachelor of Education degree during 2011. Since G.O.Ms.No.324, Education, Science and Technology Department

dated 25.4.2005 says that a teacher is entitled to get incentive increment for higher qualification, she has submitted a representation on 7.7.2015. But the same has not been considered. Finally she has come to this Court seeking a direction to the respondents to consider her representation. It is also brought to the notice of this Court the proceedings dated 21.11.2014 issued by the District Elementary Educational Officer, Vellore in respect of the similarly placed incumbents therein stating that if they have acquired the B.Com., M.Com., and B.Ed., qualifications after obtaining prior permission from the Department, their case can be considered on the basis of paragraph 5(a) of the aforementioned G.O.Ms.No.324 dated 25.4.2005.

2. Mr.ERA.Premnath, learned Government Advocate takes notice on behalf of the respondents.

3. In view of the above, the respondents are directed to consider the claim of the petitioner in the light of the aforementioned G.O.Ms.No.324 dated 25.4.2005, provided she acquired the aforementioned higher qualification after getting prior permission from the department, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ss
To

1. The Secretary to Government
School Education Department
Secretariat
Chennai 600 009
2. The District Elementary Educational Officer
Dharmapuri District

+1 cc to Mr.P.Paramasivadosh Advocate sr 88844
+1 cc to Govt Pleader sr 89051

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