

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3298/2017

Tmt.Rose Roobala Rani

... Petitioner

Vs

1.The Director of Elementary Education,
DPI Compound, Chennai-6.

2.The District Elementary Educational Officer
Tiruvarur District.

3.The Additional Assistant Elementary Educational
Officer, Kottur, Tiruvarur District.

4.The Correspondent
St.Marys Middle School, Manavalan Nallore
Kudavasal Taluk,
Tiruvarur District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to sanction two sets of incentive increment to the petitioner for acquiring M.A., and M.Ed., from the last of examination, with all consequential benefits, on the basis of the representation dated 25.12.2015 and in the light of the judgment reported in 2008 [5] MLJ 1349 in the case of R.Premakumari Vs. State of Tamil Nadu rep.by its Secretary to Government, Education Department, Chennai and others.

For Petitioner : Mr.S.N.Ravichandran

For Respondents: Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner initially had the qualification of B.A., and B.Ed., and got her name registered with the jurisdictional Employment Exchange. The petitioner would aver that a vacancy arose for the post of Secondary Grade Teacher in the 4th respondent / School due to transfer of one Tmt.Vasuki and the petitioner was selected and was appointed as the Secondary Grade Teacher on 01.06.1993 and it was also approved by the 2nd respondent, vide proceedings dated 16.04.1993. The petitioner would submit that with prior permission of the School management, she has studied and passed M.A. [History] and M.Ed., in the year 1997 and 1999 respectively and necessary entries were also made in the Service Register. The petitioner was granted one set of incentive increment by the 3rd respondent on 09.10.1998 for the higher qualification of M.Ed., and all of a sudden, it was stopped and subsequently, recovered amount was also refunded. The grievance now expressed by the petitioner is that though the recovered amount was directed to be refunded, the incentive increments payable for M.A., and M.Ed., qualifications have not been paid at all and in this regard, she has also submitted a representation on 25.12.2015 to the 1st respondent through proper channel and though it was received and acknowledged, no orders have been passed and hence, the petitioner came forward to file the present writ petition.

3 The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the judgment reported in 2008 [4] MLJ 1349 [R.Premakumari Vs. State of Tamil Nadu rep.by its Secretary to Government, Education Department, Chennai and others] and as such, there cannot be any impediment on the part of the 1st respondent to grant incentive increments for the higher qualification possessed by the petitioner and prays for appropriate orders.

4 Heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and perused the materials placed before it.

5 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the 1st respondent to act on the proposal initiated and submitted by the respondents 2 to 4 and in the light of the judgment cited above as well as G.O.Ms.No.42, School Education Department dated 10.01.1969 and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order

and communicate the decision taken, to the petitioner as well as to the 4th respondent herein.

6 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of Elementary Education,
DPI Compound, Chennai-6.
- 2.The District Elementary Educational Officer
Tiruvarur District.
- 3.The Additional Assistant Elementary Educational
Officer, Kottur, Tiruvarur District.
- 4.The Correspondent
St.Marys Middle School, Manavalan Nallore
Kudavasal Taluk, Tiruvarur District.

+1cc to the Government Pleader Sr.9202

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