

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44583/2016

S.Gayatri devi

..

Petitioner

Vs

1.The District Educational Officer
Central Chennai, Saidapet,
Chennai 600 015.

2.The Secretary
Kesari Higher Secondary School
Chennai 600004.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to sanction one set of incentive increment to the petitioner for the higher qualification acquired by the petitioner i.e., M.A.Degree, in Hindi, as per G.O.Ms.No.42, Education, dated 10.01.1969 by considering the recommendation made by the 2nd respondent dated 15.04.2014 and the representation made by the petitioner dated 19.09.2016.

For Petitioner : Mr.T.Sellapandian

For R1 & R2 : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2.

2 The petitioner would claim that she is a B.Sc., Science [Chemistry] Graduate from Nagarjuna University and also acquired B.Ed., from Annamalai University and joined as Secondary Grade Teacher in the services of the 2nd respondent / School in the year 2001 and thereafter, got promotion as Junior Grade B.T. Assistant [Science] on 12.01.2004. The petitioner would further state from the year 2006 onwards, she has been paid with the time scale of pay in the cadre of B.T. Assistant and she has also acquired higher qualification, viz, M.A. [Hindi] during the year 2011 from Madurai Kamarajar University. According to the petitioner, as per G.O.Ms.No.42,

Education Department, dated 10.01.1969, a teacher who acquires higher qualification, is eligible for two advance increments in the scale of pay admissible. The petitioner, in this regard, has also submitted a representation on 07.04.2014 to the 2nd respondent praying for sanction of one set of advance increment and it was also forwarded to the 1st respondent. The petitioner has also submitted a representation dated 19.09.2016 to the 1st respondent to consider the said prayer and till this date, 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 in the light of G.O.Ms.No.42, Education Department, dated 10.01.1969, there cannot be any impediment on the part of the 1st respondent to pass appropriate orders to sanction one set of increment in the present scale of pay and therefore, prays for appropriate orders.

4 The Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents 1 and 2 and also 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 in this writ petition, directs the 1st respondent to act on the recommendation of the 2nd respondent dated 15.04.2014 as well as consider and dispose of the petitioner's representation dated 19.09.2016 on merits and in accordance with law 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.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

AP

To

1.The District Educational Officer
Central Chennai, Saidapet,
Chennai 600 015.

1 cc to M/s.T. Sellapandian, Advocate, Sr. 270
1 cc to Government Pleader, Sr. 766

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