



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P. (MD) .No.3954 of 2015**

S.Jeyakumar

.. Petitioner

Vs.

1. The Secretary to Government of Tamil Nadu
Department of School Education,
Fort St. George,
Chennai-600 006.

2. The Director of School Education,
D.P.I.,
College Road, Chennai.

3. The Chief Educational Officer,
Thoothukudi.

4. The District Education Officer,
Kovilpatti, Thoothukudi District.

5. The Secretary,
Hindu Nadars Higher Secondary School,
Kadmbur, Thoothukudi District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to grant the Two set of Incentive Increment to the petitioner from the periods of 29.11.2001 to 31.05.2009 as a vocational instructor and another One set of Incentive Increment for acquiring M.Phil., from December 2007 onwards in the light of the order passed by this Hon'ble Court in W.P.(MD).No.960 of 2011, dated 16.04.2012 as well as the 1st respondent proceedings of Government Letter (1T) No.356/School Education, dated 02.11.2007 and consequential proceedings of the 2nd respondent bearing Pa.Mu.No.79286/W/05.03.2007 within a period of time.

For Petitioner
For Respondents

: Mr.S.Siva Ilayaraja
: Mr.M.Murugan
Government Advocate

**ORDER**

The petitioner has filed this Writ Petition to issue a Writ of Mandamus directing the respondents to grant the Two set of Incentive Increment to the petitioner for a period from 29.11.2001 to 31.05.2009 during which the petitioner was working as vocational instructor and another One set of Incentive Increment for acquiring M.Phil., from December 2009, in the light of the order passed by this Court in earlier Writ Petition No.906 of 2011 dated 16.04.2012 as well as the orders passed by the Government.

2.Though it is admitted that the petitioner is entitled to Incentive Increment, the learned Government Advocate submitted that the fifth respondent/school, in which the petitioner is working, is competent to sanction Increment to the petitioner in accordance with the Government Orders and it is only the fifth respondent/school which is required to submit the proposal seeking approval of Incentive Increment as permissible by the Government Orders.

3.The petitioner is claiming Incentive Increment for a period from 2001 to 2009 and all along the petitioner is claiming. The last representation was also submitted in the year 2014. It is only, the respondents 2 to 4 who are competent to implement this order of Government sanctioning Incentive Increment for eligible teachers for acquiring higher qualifications. It is not proper to contest this Writ Petition on the ground that the fifth respondent/school is competent to send proposal. When the respondents 2 to 4 are only the competent authority to approve the Incentive Increment to the petitioner, on the representation of the petitioner the respondent ought to have passed the appropriate orders, since the respondents have no grievance or dispute to sanction Incentive Increment to the petitioner, as claimed.

4.This Court find that the petitioner is entitled to succeed. The fifth respondent/school is directed to submit a proposal for granting two set of Incentive Increment to the petitioner for a period from 29.11.2001 to 31.05.2009 and another set of Incentive Increment for acquiring M.Phil., from December 2007, till he was promoted to the post of PG-Assistant in the year 2009 and the respondents 2 to 4 are directed to approve and sanction the same and disburse the amount within a period of eight weeks from the date of receipt of the proposal to be submitted by the fifth respondent/school. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/



To

1. The Secretary to Government of Tamil Nadu
Department of School Education,
Fort St. George,
Chennai-600 006.

2. The Director of School Education,
D.P.I.,
College Road, Chennai.

3. The Chief Educational Officer,
Thoothukudi.

4. The District Education Officer,
Kovilpatti, Thoothukudi District.

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate, SR No. 61160.

+1 CC to TH SPECIAL GOVERNMENT PLEADER, SR No. 60991

SSS/TA

PSM/SKN-RSK/SAR1/30.06.2017/3P/7C

ORDER MADE IN
W.P. (MD) .No.3954 of 2015
19.06.2017