

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No. 4236 of 2018

T. Sudha

..Petitioner

Vs.

1. The District Educational Officer,
Chennai Central, Saidapet,
Chennai 600 015.
2. The Secretary & Correspondent,
The Gopalapuram Boys' Higher Secondary
School,
No.11, Conran Smith Road,
Gopalapuram,
Chennai 600 086.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 2nd respondent to forward the proposal to the 1st respondent for grant of incentive increment for acquiring M.A. Degree in favour of petitioner and consequently directing the 1st respondent to sanction incentive increment in accordance with law, by considering the representation submitted by the petitioner dated 25.03.2017 and 18.12.2017 with all consequential and other attendant service benefits within a time frame to be fixed by this Court.

For Petitioner :: Mr.G. Sankaran

For Respondents :: Mr.P. Raja,
Government Advocate for R1

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 2nd respondent to forward the proposal to the 1st respondent for grant of incentive increment for acquiring M.A. Degree in favour of petitioner and consequently directing the 1st respondent to sanction incentive increment in accordance with law, by considering the representations submitted by the petitioner dated 25.03.2017 and 18.12.2017 with all consequential

and other attendant service benefits within a time frame to be fixed by this Court.

2. The petitioner had acquired B.A. Degree in English in April, 2003 from Madurai Kamaraj University and also B.Ed. Degree in April 2007 from the said University. Resultantly, she became eligible for appointment to the post of B.T. Assistant (English) and she was also appointed as B.T. Assistant (English) in the 2nd respondent school as per the order of appointment issued by the 2nd respondent dated 27.03.2008. Pursuant to the appointment order, the petitioner joined the post on 28.03.2008. By proceedings of the 1st respondent dated 15.12.2008, the petitioner's appointment was also approved by the Department. According to the petitioner, while working as B.T. Assistant (English) in the 2nd respondent school, she had also acquired M.A. Degree in English from Mother Theresa' University during December 2010 and hence, she became eligible for grant of incentive increment as per G.O.Ms. No. 42, Education Department dated 10.01.1969. Further, it is averred that in the meanwhile, vacancy to the post of P.G. Assistant in English arose in the 2nd respondent school and the 2nd respondent Management, without considering the petitioner for promotion, had taken steps to fill up the post by direct recruitment to accommodate the person interested contrary to the rules and therefore, the petitioner filed a writ petition in W.P. No. 38047 of 2016 and the same is still pending. Since the petitioner was not paid with incentive increment, she made a representation to the respondents, pursuant to which, the 1st respondent issued proceedings dated 21.03.2017 addressed to the 2nd respondent school to forward the proposal for grant of incentive increment in favour of the petitioner within five days on consideration of her eligibility. However, the 2nd respondent did not take steps to forward the proposal for grant of incentive increment to the petitioner. Hence, the present writ petition.

3. The learned counsel for the petitioner would submit that owing to the pendency of W.P. No. 38047 of 2016 filed by the petitioner, the proposal for incentive increment has not been forwarded by the 2nd respondent and therefore, a direction may be issued to consider the representations of the petitioner dated 25.03.2017 and 18.12.2017 and pass appropriate orders.

4. Learned Government Advocate appearing for the 1st respondent sought sufficient time to consider the case of the petitioner.

5. Since the petitioner has acquired M.A. Degree in English, as per G.O.Ms. No. 42 Education Department dated 10.01.1969, it is pleaded, she is entitled to the grant of incentive increment. Therefore, the 2nd respondent school,

without reference to the pending writ petition, is directed to forward the proposal, in this regard, to the 1st respondent, as per the proceedings of the 1st respondent dated 21.03.2017, if the petitioner is found to be otherwise eligible. The writ petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Educational Officer,
Chennai Central, Saidapet,
Chennai 600 015.
2. The Secretary & Correspondent,
The Gopalapuram Boys' Higher Secondary School,
No.11, Conran Smith Road,
Gopalapuram,
Chennai 600 086.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.14743
+1cc to the Government Pleader, S.R.No.15364

W.P. No. 4236 of 2018

RRK(06/03/2018)

सत्यमेव जयते
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