

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2018

CORAM:

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.3358 of 2018
and
W.M.P.No.4109 of 2018

1. M.Harihara Subramanian
2. M.Palaniappan

... Petitioners

/Vs/

1. The State of Tamil Nadu
Rep by its Principal Secretary to Government
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Principal Accountant General (G&SS Audit),
Tamil Nadu and Pondy,
Lekha Pariksha Bhavan,
361 Anna Salai, Teynampet,
Chennai 600 018.
4. The Headmaster,
Setupati Higher Secondary School,
2, 3- Northveli Street, Madurai - 625 001.
5. The Headmaster,
Government Boys Higher Secondary School,
Aranthangi,
Pudukkottai District - 614 616.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the audit objection of the third respondent having reference No.Prl.AG. (G & SSA)/SSI/Civil-4/II/20-045/15-16 dated 29.01.2016 that Physical Directors Grade I are not entitled to incentive increment for acquiring higher qualification of M.Phil degree from the date of acquiring M.Phil Degree as per G.O.Ms.No.177 (School Education Department) dated 13.10.2016 passed by the first respondent but only from the date of G.O.Ms.No.177 (School Education Department) dated 13.10.2016 as arbitrary and violative of Article 14 of the Constitution of

India in so far as the petitioners are concerned.

For Petitioners : M/s.C.Uma

For Respondents : Mr.P.Raja,
Government Advocate for R1,2 & 5
No appearance for R3 & R4

O R D E R

The learned Counsel appearing on behalf of the writ petitioners now restricts the relief sought for in the writ petition by stating that the case of the writ petitioners shall be considered for grant of 2nd incentive increment based on the Higher qualifications acquired by them.

2.The Grievances of the writ petitioners are that they passed M.P.Ed., M.Phil., in Physical Education and they were joined as Physical Director(Grade-I).

3.The learned counsel for the petitioners state that though the petitioners are eligible for availing two incentive increments as per the Government orders, one incentive increment alone had been sanctioned and in respect of the second incentive increment, the claim of the writ petitioners have not been considered. The writ petitioners possessed the higher educational qualifications of M.P.Ed and M.Phil., and they are eligible to get 2nd incentive increment as per the Government orders in this regard.

4.The writ petitioners are directed to submit a fresh representation along with all the relevant documents, enabling the authorities to consider the case of the writ petitioners for grant of 2nd incentive increment as per the Government orders within a period of four weeks from the date of receipt of a copy of this order. If any such representation is received from the writ petitioners, the 2nd respondent is directed to consider the same and pass orders on merits and in accordance with law within a period of twelve weeks thereafter.

5.With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-)

//True Copy//

Sub Assistant Registrar

ak/kmm

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.
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 5. The Headmaster,
Government Boys Higher Secondary School,
Aranthangi,
Pudukkottai District - 614 616.
- +1cc to Mr.C.Uma, Advocate, SR.No 64071
+1cc to The Government Pleader, High Court, Madras SR.No.64562

W.P.No.3358 of 2018

MR (CO)

rrs (16/10/2018)

सत्यमेव जयते

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