

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.08.2018

CORAM

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

W.P.No. 3700 of 2018

G.Saraswathi

..Petitioner

vs

1. The Assistant Educational Officer,
Kattankulathur,
Kancheepuram District,
Pin 603 203.
 2. The District Elementary Educational Officer,
Kancheepuram,
Kancheepuram District - 631 501.
 3. The Headmistress, Panchayat Union Primary School,
Karanaiputhuchery, (Near Urapakkam),
Kattankulathur Panchayat Union,
Kancheepuram District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to sanction two incentive increments, i.e. one incentive increment each for her B.Ed. Degree and M.A degree from December 2015 based on the petitioner's representation dated 15.09.2016 followed by reminder dated 02.01.2018.

For Petitioner : Mr. P.Ebenezer Paul

For Respondents: Mr.K.Karhikeyan

Government Advocate

O R D E R

The relief sought for in this writ petition is for a direction to direct the first respondent to sanction two incentive increments, i.e. one incentive increment each for her B.Ed., Degree and M.A., as per the Government orders.

2. The learned counsel for the petitioner states that the petitioner has passed 10th standard in March 1989, and Higher Secondary Examinations in September 1991. Consequently, the petitioner was appointed as Secondary Grade Teacher. The grievance of the writ petitioner is that she acquired higher qualification and based on that, made a claim for grant of two incentive increments as per the government orders. However, the request made by the writ petitioner has not been considered.

3. This Court is of an opinion that as per the Government Orders in force a teacher on acquisition of higher educational qualification, is entitled for grant of two incentive increments in his/her entire service. The Government Order states that a teacher on acquisition of higher educational qualification, can be granted two incentive increments in his/her entire service. However, in the present writ petition on hand, no incentive increments were granted to the writ petitioner. Thus the petitioner is constrained to move the present writ petition.

4. The learned Government Advocate appearing on behalf of the respondents state that undoubtedly, a teacher is entitled to get two incentive increments in his/her entire service. However, the eligibility and other criteria fixed in various Government Orders to be followed, at the time of grant of incentive increments to the writ petitioner.

5. This Court is of an opinion that the terms and conditions stipulated in the Government Orders for grant of incentive increment ought to be scrupulously followed and teacher on acquisition of higher education, shall be granted two incentive increments as per the eligibility. In this view of the matter, the 2nd respondent is directed to consider the representation submitted by the writ petitioner on 15.09.2016 and on 02.01.2017 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. The writ petitioner is directed to give a copy of the representation and other relevant documents if any, along with the order passed of this writ petition.

6. Accordingly, writ petition stands disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

pns/kp

To

1. The Assistant Educational Officer,
Kattankulathur,
Kancheepuram District,
Pin 603 203.
2. The District Elementary Educational Officer,
Kancheepuram,
Kancheepuram District - 631 501.

+1 CC to Govt. Pleader sr 59787.

+1 CC to Mr. P.Ebenezer Paul, Advocate sr 59411.

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SJ(CO)
SP(12/09/2018)



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