

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.09.2018

CORAM

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

W.P.No.3237 of 2017

K.Srinivasan

.. Petitioner

.vs.

1. The Director of Elementary Education,
College Road,
Chennai -6.

2. The District Elementary Educational Officer,
Nagapattinam District.

3. The Additional Assistant Elementary Educational Officer,
Myladuthurai,
Nagapattinam District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the third respondent in Na.Ka.No.2880/A2/2015 dated 18.02.2016, and quash the same and direct the respondents to sanction two sets of incentive increment to the petitioner for acquiring M.A., and M.Ed. respectively with all consequential benefits.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.K.Karthikeyan
Government Advocate.

O R D E R

The relief sought for in this writ petition is call for the entire records connected with the impugned order passed by the third respondent in Na.Ka.No.2880/A2/2015 dated 18.02.2016, and quash the same and direct the respondents to sanction two sets of incentive increment to the petitioner for acquiring

M.A., and M.Ed. respectively with all consequential benefits.

2.The learned counsel for the writ petitioner states that the writ petitioner is entitled for two incentive increments amounting to four increments even as per the Government orders issued in this regard. However, the incentive increments granted in favour of the writ petitioner had been withdrawn. In view of the settlement of the terminal and pensionary benefits, the writ petitioner had deposited the incentive increments paid to him and thereafter , received pension. The learned counsel for the writ petitioner states that all other similar persons are now getting two incentive increments and the consequential benefits, as the same has been denied to the writ petitioner. Thus, the impugned order has been passed without reference to the Government Orders issued in the matter of granting of incentive increments to the teacher on acquisition of higher educational qualification. In view of this matter, this Court is of an opinion that the case of the writ petitioner also to be considered on par with other similarly placed persons who have been granted two incentive increments in accordance with the Government Orders. Thus, the present writ petition is a fit case for remand. Accordingly, the impugned order passed by the 3rd respondent in Na.Ka.No.2880/A2/2015 dated 18.02.2016 is set aside. The respondents are directed to consider the case of the writ petitioner, in the light of the Government Orders issued in the matter of grant of incentive increments, and accordingly, take a decision to pass orders within a period of twelve weeks from the date of receipt of a copy of this order. The writ petitioner is also had an opportunity to submit a fresh representation along with relevant documents along with the order passed in this writ petition.

3.Accordingly, the writ petition is partly allowed. However, there shall be no order as to costs.

Sd/-

सत्यमेव जयते Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

kp/bkn

To

1. The Director of Elementary Education,
College Road, Chennai -6.

2. The District Elementary Educational Officer,
Nagapattinam District.

3. The Additional Assistant Elementary Educational Officer,
Myladuthurai, Nagapattinam District.

+1cc to Mr.S.N.Ravichandran, Advocate SR.No.

+1cc to Government Pleader SR.No.60862

W.P.No.3237 of 2017

GMV (26/09/2018)



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