



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 01.11.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.20844 of 2018 and
W.M.P.No.24469 of 2018

M.Anthoni

....Petitioner

Vs

1. Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai - 600 009
2. The Director of School Education,
College Road,
Chennai - 600 006
3. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai
4. The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai
5. The Correspondent,
Dominic Savio Higher Secondary School,
Chetpet,
Tiruvannamalai District - 606 801

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents herein to consider the petitioner's representation dated on 27.07.2018, and consequently to sanction and pay incentive increments to the petitioner for possessing M.A., and M.Ed., degree in the light of G.O.Ms.No.83 dated 28.04.2017 within a period fixed by this Court.

For Petitioner : Mr.N.Elumalai
For Respondents : Mr.K.Karthikeyan,
Government Advocate
for RR1 to 4



: R5 - Service awaited

ORDER

It appears that the petitioner joined as Secondary Grade Teacher in the fifth respondent school, which is a religious minority school and is getting aid from the Government, on 05.06.1997 in a sanctioned post and subsequently his appointment was approved by the fourth respondent. The case of the petitioner is that the teachers for VI to VIII standards are appointed in the name of Middle Grade Graduate Teacher who have possessed Graduation with B.Ed degree. But the petitioner having appointed with the qualification of B.T.Assistant and taking classes for VI to VIII standards, has neither been paid with the pay scale of the B.T.Assistants of Middle School Teacher nor been promoted as B.T.Assistant till date and he is paid with the salary which was fixed at the time of his appointment in the year 1997 nor he is also paid incentive increment for higher qualification. In this regard, he made a representation on 27.07.2018 to the respondents stating that as per G.O.Ms.No.83 dated 28.04.2017 the respondents are bound to sanction the incentive increments for higher qualification and also requesting for promotion, but the same having evoked no response. Hence, he came to file the writ petition seeking a writ of mandamus directing the respondents to consider the case of the petitioner, and consequently sanction and pay incentive increments for having higher qualification in view the aforesaid G.O.

2. The learned counsel for the petitioner submits that since the petitioner has filed this writ petition seeking a writ of mandamus as such the respondents be directed to dispose of the representation of the petitioner in a time bound manner.

3. Counter affidavit has not been filed by the respondents in spite of opportunity given. However, the learned Government Advocate appearing for the respondents No.1 to 4, submits that the respondents shall have no objection to dispose of the representation of the petitioner within the time fixed by this Court, but no fetter be put on the respondents to consider the same in a particular manner.

4. Regard being had to the facts and submissions made, especially when the aforesaid G.O. mandates to sanction incentive increments for higher qualification and the petitioner stated to be possessing the same, this Court dispose of this writ petition with a direction to the respondents to dispose of the representation of the petitioner, taking into consideration the aforesaid G.O., in accordance with law, within a period of eight weeks from the date of receipt of a copy of this Order. However, this order should not be construed as a mandate of this



Court to dispose of such representation in any particular manner inasmuch as this Court has not considered the representation of the petitioner on merit.

5. With the aforesaid order, the writ petitions stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

s/d-
Assistant Registrar (CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009
2. The Director of School Education,
College Road,
Chennai - 600 006
3. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai
4. The District Educational Officer,
Thiruvannamalai District,
Thiruvannamalai

+1 CC to Mr.N.Elumalai, Advocate sr 75777.
+1 CC to Govt. Pleader sr 76786

W.P.No.20844 of 2018

KS(CO)
SP(22/11/2018)