

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.9270 of 2013

A.Kadirvel

... Petitioner

Vs

1. The Director of School Education,
College Road,
Nungambakkam,
Chennai.
2. Chief Educational Officer,
Office of the Chief Educational Office,
Villupuram.
3. The Head Master,
R.K.Government Higher Secondary School,
Kadampuliyur, Panruti Taluk,
Cuddalore District.
4. Principal Accountant General
(Accountants & Entitlements) Tamil Nadu
No.361, Anna Salai,
Chennai - 18.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings bearing No. pen 11/1/pt/5307/R1106342/12-13/235/148185 dated 01.11.2012 on the file of the 4th respondent and quash the same and further direct the 4th respondent to fix the basic pay at Rs.32,760/-, which includes the incentive increment for M.Sc (Yoga) and pay the pension accordingly.

For Petitioner : Mr.K.Elangoo

For Respondents : Mr.K.Karthikeyan
Government Advocate for R1 to R3

: Mr.S.Balaji for R4

O R D E R

The impugned order dated 01.11.2012, issued by the 4th respondent, questioning the claim of the writ petitioner for grant of incentive increment for possessing higher educational qualification, is under challenge in this writ petition.

2. The learned counsel for the petitioner states that the petitioner was holding the post of Physical Education Teacher, and while he was in service, he acquired a higher educational qualification of M.A. (Sociology) and M.Phil and an incentive increment for possessing higher educational qualification was granted to him. However, he also acquired an educational qualification of M.Sc. (Yoga), for which, no incentive increment was granted to him.

3. Now, it is brought to the notice of this Court that the Government issued G.O.Ms.No.177, School Education (S.E.5(2)) Department, dated 13.10.2016, for grant of incentive increment to the Physical Education Teachers also. Thus, the case of the writ petitioner is also to be considered based on the Government order cited supra.

4. Accordingly, the petitioner is permitted to submit a fresh representation, setting out all the facts and details, along with the copies of relevant Government orders, within a period of four weeks from the date of receipt of a copy of this order.

5. On receipt of any such representation, the 1st respondent is directed to consider the same and pass orders on merits and in accordance with law, within a period of twelve weeks, thereafter.

6. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

mkkn/ssr

To

1. The Director of School Education,
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Nungambakkam,
Chennai.
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3. The Head Master,
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4. The Principal Accountant General,
(Accountants & Entitlements) Tamil Nadu
No.361, Anna Salai, Chennai - 18.

+1 cc to Mr.S.Balaji, Advocate Sr.No.64406
+1 cc to Mr.K.Elango, Advocate Sr.No.64659
+1 cc to The Government Pleader Sr.No.64997

VD(CO)
CSL/17.10.2018

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