

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.09.2018
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.1364 & 1365 of 2018
and
W.M.P.Nos.1735 & 1736 of 2018

M.Annapoorani ... Petitioner in W.P.No.1364/2018
S.Sudhamathi ... Petitioner in W.P.No.1365/2018

Vs

1. The State of Tamil Nadu,
Rep.by its Principal Secy to the Government
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education
DPI Campus, College Road
Chennai 600 006.
3. Regional Accounts Officer (Audit),
School Education Department,
Coimbatore - 641001.
4. Headmistress,
Meenakshi Government Girls Higher Secondary School
Tirupathur,
Vellore district. Respondents in both W.Ps.

PRAYER in W.P.No.1364 of 2018: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that clause 7 (iii) of G.O.Ms.No.177 (School Education Department) dated 13.10.2016 restricting the 2nd incentive increment for acquiring higher qualification by physical Education Teachers from the date of the said G.O. is totally arbitrary and violative of article 14 of the Constitution of India and consequently forbear the 4th respondent from recovering sum of Rs.1,73,333/- from the petitioner based on the audit objection in proceedings Na.Ka.No.32/E15/2016 dated 19.01.2017 of the 3rd respondent and continue to pay the regular salary to the petitioner.

PRAYER in W.P.No.1365 of 2018: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that clause 7 (iii) of G.O.Ms.No.177 (School Education Department) dated 13.10.2016 restricting the incentive increment for acquiring higher qualification by

physical Education Director from the date of the said G.O. is totally arbitrary and violative of article 14 of the Constitution of India and consequently forbear the 4th respondent from recovering sum of Rs.3,22,249/- from the petitioner based on the audit objection in proceedings Na.Ka.No.32/E15/2016 dated 19.01.2017 of the 3rd respondent and continue to pay the regular salary to the petitioner.

For Petitioner : M/s.C.Uma(in both W.Ps)

For Respondent : Mr.K.Karthikeyan
Government Advocate
(in both W.Ps)

C O M M O N O R D E R

The learned Counsel appearing on behalf of the writ petitioners now restricts the relief sought for in these writ petitions 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 B.Sc., M.P.Ed in Physical Education and they were joined as Physical Education Teacher/Physical Director(Grade-II) on 20.12.2000, 18.11.1991.

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 increments, the claim of the writ petitioners have not been considered. The writ petitioners possessed the higher educational qualifications of M.P.Ed 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, both the writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/--

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Speaking Order
kak/kmm

To

1. The Principal Sectary to the Government
The State of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education
DPI Campus, College Road
Chennai 600 006.
3. Regional Accounts Officer (Audit),
School Education Department,
Coimbatore - 641001.
4. Headmistress,
Meenakshi Government Girls Higher Secondary School
Tirupathur,
Vellore district.

+1cc to M/s.C.Uma, Advocate SR.NO.64070

+1cc to Government Pleader SR.NO.64564

GP(CO)

sm:9.10.2018

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& 1365 of 2018