

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.09.2018

CORAM

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

W.P.No.7467 of 2016

and

W.M.P.Nos.6678 & 6679 of 2016

Tamil Nadu Idainilai Aasiriyar Sangam
Regn. No.102/2013

Rep by its General Secretary

K.Esakkiappan, S/o.Kandhan

No.6/44, Mariammann Kovil Street

Samugarengapuram, Tirunelveli District.

....Petitioner

Vs.

1. The State of Tamil Nadu

Rep by its Principal Secretary to Government

School Education Department

Secretariat, For St. George

Chennai - 600 009.

2. The Director of School Education

DPI Campus, College Road

Chennai - 600 006.

3. The District Elementary Education

DPI Campus, College Road

Chennai - 600 006.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by 2nd Respondent in Na.Ka.No.59/K/E1/2012 dated 29.11.2012 and to quash the same and consequently directing the Respondents to sanction incentive increment to the Secondary Grade/ BT Assistant Teachers working in School Education for acquiring the degrees in M.Com., and M.A., (Economics) coming under Higher Secondary syllabus in compliance to orders passed in G.O.Ms.324 School Education Department dated 25.04.2005 by considering the representation submitted by the Petitioner Association dated 10.03.2014.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.K.Karthikeyan
Government Advocate

O R D E R

The relief sought for in this writ petition is to quash the order dated 29.11.2012 issued by the Director of School Education Department in respect of the grant of incentive increment for possessing Higher Educational qualification by the Teachers in the School Education Department.

2.This writ petition has been filed by the Tamil Nadu Idainilai Aasiriyar Sangam, represented by the General Secretary. The impugned order stipulates certain terms and conditions for grant of incentive increment to the B.T. Assistant for possessing Higher Educational qualification. The grant of incentive increment is not part and parcel of the regular scale of pay or pay rules in force. It is the concession granted to the Teachers, who all are acquiring Higher Educational qualification for imparting better education to the students studying in the schools. This being the factum of the case, the grant of incentive increment to the Teachers, who acquired such additional qualification individually have to claim their rights with reference to the terms and conditions as stipulated under the scheme. Contrarily, the Association cannot file a writ petition in respect of such individual claims with reference to the terms and conditions as stipulated under the scheme. The grant of incentive increment if any claimed by the individual, the authorities are bound to consider the same based on the facts and circumstances of the individual case and the terms and conditions as stipulated in the Government orders in force. This being the consideration to be shown, the very writ petition filed by the association cannot be entertained. The members of the association are at liberty to file individual writ petitions if they are aggrieved by the non-granting of incentive increment in accordance with the Government order.

3.Accordingly, this writ petition stands dismissed. However, there is no order as to costs. Consequently, connected miscellaneous petitions are closed.
bkn/maya

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

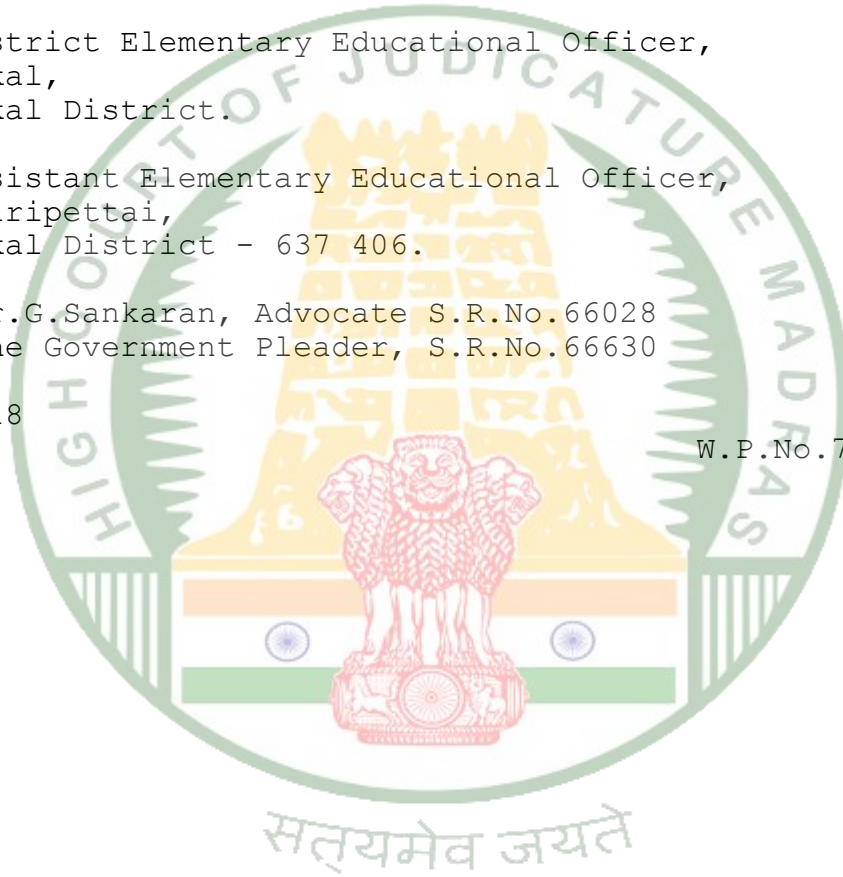
To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Namakkal,
Namakkal District.
4. The Assistant Elementary Educational Officer,
Namagiripettai,
Namakkal District - 637 406.

+lcc to Mr.G.Sankaran, Advocate S.R.No.66028
+lcc to the Government Pleader, S.R.No.66630

KR/30/10/18

W.P.No.7467 of 2016



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