



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

WEB COPY

THE HONOURABLE **MR. JUSTICE G.R. SWAMINATHAN**

Writ Petition (MD) Nos. 1501 to 1504 of 2018
and

W.M.P (MD) Nos. 1572 to 1583 of 2018

N. Parameswari ... Petitioner in W.P (MD) No. 1501 of 2018
M. Kalaiezhil ... Petitioner in W.P (MD) No. 1502 of 2018
A. Sadiskumar ... Petitioner in W.P (MD) No. 1503 of 2018
S. Nirmaladevi ... Petitioner in W.P (MD) No. 1504 of 2018

Vs.

1. The Joint Director,
Higher Secondary Education,
Directorate of School Education,
Chennai - 6.
2. The Chief Educational Officer,
Trichy - 620 008. Trichy District.
3. The District Educational Officer,
Musiri - 621 211, Trichy District.
4. The Secretary,
Sengunthar Higher Secondary School,
Turaiyur,
Trichy District.

... Respondents in all petitions

PRAYER in W.P (MD) No. 1501 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari and Mandamus to call for the records relating to the impugned order passed by the 3rd respondent in his proceedings **ந.க.எண் .1328/அ4/2017** dated 24.03.2017 and quash the same as illegal and consequently to direct the respondents to sanction incentive increment to the petitioner for having acquired M.A. (Tamil) and B.Ed. degrees from 19.11.2012 onwards, annual increments from 2013-2014 to 2016-2017 and special pay for selection grade with effect from 01.04.2013 in the light of proceedings in **ப.வெ.எண் .01/அ4/2016** dated 27.01.2017 passed by the second



respondent within the period that may be stipulated by this Court.

PRAYER in W.P(MD)No.1502 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings ந.க.எண்.1328/அ4/2017 dated 24.03.2017 and quash the same as illegal and consequentially to direct the respondents to sanction incentive increment to the petitioner for having acquired M.A. (History) and B.Ed. degrees from 29.12.2011 onwards, annual increments from 2013-2014 to 2016-2017 and special pay for selection grade with effect from 01.06.2016 in the light of proceedings in ப..வெ.எண். 01/ஆ1/2016 dated 27.01.2017 passed by the second respondent within the period that may be stipulated by this Court.

PRAYER in W.P(MD)No.1503 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records to the impugned order passed by the 3rd respondent in his proceedings ந.க.எண்.1328/அ4/2017 dated 24.03.2017 and quash the same as illegal and consequently to direct the respondents to sanction incentive increment to the petitioner for having acquired B.Ed. degrees from 29.12.2012 and M.A. degree from July 2014 onwards in the light of proceedings in ப..வெ.எண். 01/ஆ1/2016 dated 27.01.2017 passed by the second respondent within the period that may be stipulated by this Court.

PRAYER in W.P(MD)No.1504 of 2018: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records to the impugned order passed by the 3rd respondent in his proceedings ந.க.எண்.1328/அ4/2017 dated 24.03.2017 and quash the same as illegal and consequently to direct the respondents to sanction incentive increment to the petitioner for having acquired M.Sc., (Maths) and B.Ed. degrees from 30.12.2010 onwards, annual increments from 2013-2014 to 2016-2017 and special pay for selection grade with effect from 01.06.2016 in the light of proceedings in ப..வெ.எண். 01/ஆ1/2016 dated 27.01.2017 passed by the second respondent within the period that may be stipulated by this Court.

In all petitions:

For Petitioner : Mr.C.Venkateshkumar
for M/s Ajmal Associates

For Respondents : Mrs.S.Srimathy
Spl. Govt. Pleader for R1 to R3

**COMMON ORDER**

The issue raised in these writ petitions is one and the same. The writ petitioners are working in the fourth respondent school. They acquired higher qualification. Therefore, they wanted conferment of incentive increments for acquiring the said higher qualification. The requests made by the petitioners were negatived by the orders impugned in these writ petitions. The only ground raised in the impugned order is that the petitioners did not take prior permission before acquiring such higher qualification. The said statement is denied by the writ petitioners. They would submit that they had duly informed the Headmaster and only after getting prior permission, they acquired higher qualifications and the same was duly entered in their service registers.

2.This Court by an order dated 17.07.2012 in W.P(MD)No.1049 of 2012 dealt with a similar reason for refusal of incentive increments. This Court held that obtaining higher qualification would benefit the students. This Court categorised the stand of the department as a negative attitude. In a number of decisions, the very reason set out in the impugned order had been held to be unsustainable by this Court.

3.Following the said order dated 17.07.2012 made in W.P(MD) No.1049 of 2012, this Court quashes the orders impugned in these writ petitions. The respondents are directed to confer incentive increments from the date of filing the writ petitions. However, notional effect shall be given from the date of acquisition of the qualification.

4.These writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Joint Director,
Higher Secondary Education,
Directorate of School Education,
Chennai - 6.



2. The Chief Educational Officer,
Trichy - 620 008.
Trichy District.

3. The District Educational Officer,
Musiri - 621 211,
Trichy District.

+ 4 ccs TO M/S.Ajmal Associates , Advocate in SR No. 50424
+ 1 cc TO The Special Government Pleader in SR No. 50582

skn

AE/SB/SAR1/19.06.2018/4P/9C

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and
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