



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 2992 of 2018

P.Josephine Jeyarani

.. Petitioner

Vs.

1.TheDistrict Elementary Educational Officer,
Sivagangai District,
Sivaganai.

2.The Assistant Elementary Educational Officer,
Kannangudi,
Sivagangai District.

3.The Correspondent,
R.C.Middle School,
Nanakudi, Hanumanthakudi Post,
Devakottai via,
Sivagangai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 08.08.2016 in Na.Ka.No.567/A1/2016 and quash the same and consequently direct the respondents to sanction increment to the petitioner eligible for the higher qualification in M.A.(History).

For Petitioner : Mr. J.Anandkumar

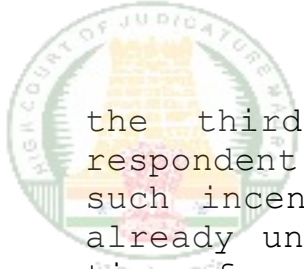
For Respondent Nos.1 & 2 : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

For Respondent No.3 : No appearance

O R D E R

Heard the learned counsel on either side.

2. The petitioner is working as Secondary Grade Teacher in the third respondent/School. The petitioner during her service acquired a higher educational qualification namely M.A.(History). Seeking grant of incentive increment for acquiring the said higher educational qualification, the petitioner submitted a representation. In fact her request was favourably considered and



the third respondent forwarded the proposal to the second respondent. The second respondent, however, declined to confer such incentive increment, on the ground that the petitioner had already undertaken not to claim such incentive increment, at the time of appointment. Assailing the said order, this writ petition has been filed.

3. The learned counsel appearing for the petitioner drew the attention of this Court to the order dated 23.04.2012 in W.P. (MD).No.6043 of 2010. The case on hand is identical. The petitioner is not claiming incentive increment for B.A., or B.Ed., degree. She is claiming incentive increment for acquiring M.A. (History) degree.

4. Following the said order this Court quashes the order impugned in this writ petition. The respondents are directed to sanction incentive increment to the petitioner for having acquired higher educational qualification of M.A. (History) degree. It is made clear that the petitioner will be entitled to the notional benefit from the date when she acquired the aforesaid higher educational qualification and monetary benefits shall be paid from the date of approaching this Court i.e., on 13.02.2018. Such an order of sanction and disbursement shall be passed within a period of six months from today.

5. This Writ petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To:

1.TheDistrict Elementary Educational Officer,
Sivagangai District,Sivaganai.

2.The Assistant Elementary Educational Officer,
Kannangudi, Sivagangai District.

+1CC TO M/S.J.ANAND KUMAR, ADVOCATE, SR NO.51374

ORDER MADE IN
W.P. (MD) No. 2992 of 2018
26.02.2018

kmi