



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.398 of 2018

R.Gangammal

... Petitioner

Vs.

1. The District Educational Officer,
Kovilpatti, Tuticorin District.

2. The Secretary,
Kammavar Girls Higher Secondary
School,
Kalugumalai, Kovilpatti,
Tuticorin District.

... Respondents

Prayer: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to sanction the incentive increment for the petitioner's M.Phil., qualification from the date of passing ie., from 01.07.2008.

For petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.M.Jeyakumar
Addl., Govt., Pleader for R1
No appearance for R2

ORDER

The petitioner is now working as a P.G.Assistant in the second respondent school. The petitioner seeks grant of incentive increment for having acquired M.Phil., qualification. The petitioner submitted a representation in this regard on 22.02.2017. Till date, the same has not been processed. Therefore, this writ petition has been filed.

2.When the matter was taken up for disposal, the learned Additional Government Pleader appearing for the first respondent placing reliance on the G.O.Ms.No.944, dated 29.07.2009 pointed out that the petitioner had obtained the said higher qualification without getting prior permission. This is the only ground for denying her incentive increment.



3.This Court is of the considered view that the stand of the respondent cannot be appreciated. This is for more than one reason. As pointed out by the learned counsel appearing for the writ petitioner, the petitioner is an employee of a private aided school and only after getting prior permission from the employer concerned, the petitioner obtained the aforesaid higher qualification. The same is also indicated in her service register. In any event, the purpose of granting additional increment is that obtaining higher qualification by the teacher would benefit the students. This is the view taken by this Court in WP(MD)No.1049 of 2012 dated 17.07.2012.

4.In this view of the matter, the respondents are directed to sanction incentive increment to the writ petitioner for having higher qualification from the date of filing of this writ petition ie., 05.01.2018. This writ petition is allowed as indicated above. No costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

The District Educational Officer,
Kovilpatti, Tuticorin District.

+ 1 cc TO Mr.V.Panneer Selvam , Advocate in SR No. 46107

+ 1 cc TO The Special Government Pleader in SR No. 46584

SKM

AE/KK/SAR3/27.02.2018/2P/4C

W.P. (MD)No.398 of 2018
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