



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.18089 of 2014

K.M.A.Jeya Bharathi

...Petitioner

Vs.

1.The Director of School Education,
Chennai-6.

2.The Chief Educational Officer,
Madurai.

3.The District Educational Officer,
Melur, Madurai District.

4.The Headmaster,
Government Girls Higher Secondary School,
Chokkalingapuram, Melur Taluk,
Madurai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the fourth respondent in Na.Ka.No.64 of 2014 dated 11.06.2014 and quash the same and direct the respondents to sanction one set of incentive increment for M.Phil. to the petitioner with effect from 06.07.2009 and confer all the consequential benefits.

For Petitioner : Mr.V.Panner Selvam for
M/S.C.S.Associates

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2.By consent of both the parties, the main Writ Petition itself is taken up for final disposal.

3.The petitioner is working as P.G. Assistant. He sought incentive increment for having acquired M.Phil., qualification. The same was rejected by the impugned order on the ground that the third incentive increment seeking for acquiring M.Phil., degree cannot be



granted. This Court in a number of decisions has held that P.G. Assistant is entitled to third incentive increment for acquiring M.Phil., qualification.

4. The learned counsel appearing for the petitioner placed reliance on the order dated 05.07.2013 passed by this Court in W.P. (MD).No.7291 of 2011 (Amalraj Vs. The Director of School Education) etc batch, which allowed the Writ Petitions. The Hon'ble Division Bench by order dated 15.07.2015 made in W.A.(MD).701 of 2015 (The Director of School Education Vs. S.Amalraj) etc batch dismissed the Writ Appeals and confirmed the order passed by the learned Single Judge.

5. The learned Additional Government Pleader appearing for the respondents would submit that the Special Leave Petitions have been preferred against the Division Bench order of this Court. As on date, the orders passed by this Court have not been stayed. This Court, therefore, proposes to go by the position obtaining as on date. It is not in dispute that the case on hand is covered by the aforesaid Division Bench of this Court. Following the same, the order impugned in the Writ Petition stands quashed.

6. The respondents are directed to sanction one set of incentive increment in favour of the petitioner for having acquired M.Phil., degree.

7. This Writ Petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The Director of School Education,
Chennai-6.
2. The Chief Educational Officer,
Madurai.
3. The District Educational Officer,
Melur, Madurai District.
4. The Headmaster,
Government Girls Higher Secondary School,
Chokkalingapuram, Melur Taluk,
Madurai District.

+1CC TO M/S.V.PANNEER SELVAM, ADVOCATE, SR NO.44204
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.44597

Order made in
W.P. (MD) .No.18089 of 2014
24.01.2018