



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.4249 of 2015

and

W.M.P. (MD) .Nos.1, 2 of 2015 & 9396 of 2016

R.Padmavathy

.. Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Educational Officer,
Palani Road,
Dindigul, Dindigul District.

4.The Secretary,
H.N.U.P.R.Girls Higher Secondary School,
Nilakottai,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for records relating to the impugned order passed by the third respondent in proceedings Omu.No.3165/A5/2012, dated 03.12.2012 and quash the same as illegal and consequently to direct the fourth respondent to sanction incentive increments for acquiring higher educational qualification and consequentially directing the third respondent to accord approval to the incentive increments sanctioned by the fourth respondent and pay all the monetary benefits accruing thereon within the period that may be stipulated by this Court.

For petitioner	: Mr.C.Venkatesh Kumar, for M/S.Ajmal Associates
For R-1 to R-3	: Mrs.S.Srimathy Special Government Pleader



O R D E R

The writ petitioner joined the fourth respondent School as Music Teacher in year 1993. During her service she acquired higher qualification such as B.Lit., M.A., and B.Ed., from Annamalai University. The writ petitioner wants conferment of incentive increments for such acquisition of higher qualification. Since the same was not granted, she filed W.P.(MD).No.12845 of 2014. Actually, even prior to the institution of the writ petition, the authority passed the impugned order of rejection. Therefore, the said writ petition was dismissed with liberty to challenge the order dated 03.12.2012 passed by the fourth respondent.

2. The learned Special Government Pleader appearing for the Department would point out that the writ petitioner did not secure any prior permission before acquiring such a higher educational qualifications.

3. The learned counsel appearing for the petitioner drew the attention of this Court to the entries made in her Service Register, which clearly show that the higher educational qualifications were obtained only after getting prior permission.

4. The fact remains that the writ petitioner had acquired higher educational qualifications. Therefore, she is entitled to grant of incentive increments. The question is whether she should be given the monetary benefits from the date of acquisition of her higher educational qualifications. It is to be noted that the writ petitioner though obtained such qualification in the year 2007, 2009 and 2011 choose to come to this Court only in the year 2014.

5. Therefore, considering the fact and circumstances of the case that there was a delay in approaching this Court, the petitioner deserves to be given the actual benefits only from the date of approaching this Court i.e., on 01.08.2014. However, she shall be given notional benefit from the respective dates when she acquired the aforesaid higher educational qualification. The order impugned in this Writ petition is quashed. This Court directs the second and third respondent to pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and also disburse the benefits.

6. This Writ petition stands allowed, accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar



To:

1.The Director of School Education,
College Road, Chennai - 600 006.

2.The Director of Elementary Education,
College Road, Chennai - 600 006.

3.The District Educational Officer,
Palani Road,
Dindigul, Dindigul District.

+1cc to M/S.Special Government Pleader,SR. 43077

+1cc to Mr.B.ROOBAN,Advocate,SR. 43130

W.P. (MD) No.4249 of 2015
18.01.2018

kmi

KK/SV MMS/SAR 3/20.02.2018/ 3P- 6C/