



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P(MD)No.16113 of 2018
and
W.M.P.(MD) No.14360 of 2018

L.Kurumba Thevan

... Petitioner

Vs.

1. The Director of Elementary Education,
DPI Complex, College Road,
Nungambakkam, Chennai - 600 006.
2. The District Elementary Educational Officer,
(Formerly District Elementary Educational Officer)
Usilampatti Educational District,
Usilampatti, Madurai District.
3. The District Educational Officer,
(Formerly District Elementary Educational Officer)
Madurai.
4. The Block Educational Officer,
(Formerly Additional Assistant Educational Officer)
Chellampatti Union, Chellampatti,
Thirumangalam Taluk, Madurai District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of mandamus, directing the fourth respondent to comply with the order O.Mu.No.396/Aa.4/2017 dated 22.11.2017 passed by the 3rd respondent and grant one incentive increment to the petitioner for having acquired the higher academic qualification of B.Ed., degree with effect from 30.12.2015 and to grant consequential revision of pay with effect from 01.01.2016 as per the Tamil Nadu Revised Pay Scales Rules, 2017 and to disburse the arrears of pay and allowances from 30.12.2015 within a time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.D.Muruganantham, AGP

**O R D E R**

The prayer sought for in this writ petition is for a Writ of mandamus directing the fourth respondent to comply with the order O.Mu.No.396/Aa.4/2017 dated 22.11.2017 passed by the 3rd respondent and grant one incentive increment to the petitioner for having acquired the higher academic qualification of B.Ed., degree with effect from 30.12.2015 and to grant consequential revision of pay with effect from 01.01.2016 as per the Tamil Nadu Revised Pay Scales Rules, 2017 and to disburse the arrears of pay and allowances from 30.12.2015 within a time limit to be fixed by this Court.

2.Heard Mr.A.Thirumurthy, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Secondary Grade Teacher on 04.10.1996 and was promoted as Primary School Headmaster on 18.06.2001 and at present, he is working as such. During his tenure as Secondary Grade Teacher and Primary School Headmaster, he was permitted to study higher courses as he had already acquired the qualification of B.A. (political science) and thereafter, on permission given by the fourth respondent, in the year 2014, he also acquired B.Ed., qualification. For the said acquiring the higher qualification, though the petitioner is entitled to get incentive increment, the same has not been given. Therefore, the petitioner has made a request to that effect. Pursuant to the said request made by the petitioner, the third respondent, vide his proceedings dated 22.11.2017 in O.Mu.No.396/Aa.4/2017, directed the fourth respondent to pass necessary orders and to make arrangement to get the incentive increment to the petitioner for the higher qualification he acquired. Even though the said directive was issued by the third respondent, the fourth respondent has not so far acted upon and therefore, the petitioner is before this Court.

4.I have heard the learned Additional Government Pleader, who would submit that, in the light of the directive issued by the third respondent vide his proceedings dated 22.11.2017, necessary follow up action would be taken by the fourth respondent for giving advance incentive increment to the petitioner for acquiring the qualification for B.Ed. Degree.

5.Considering the said submissions made by both sides and also taking into account the directive issued by the third respondent in his proceedings dated 22.11.2017, where, he had already given to the fourth respondent to act upon, this Court is inclined to pass the following order:

<https://hcservices.ecourts.gov.in/hcservices/> "The fourth respondent is directed to take necessary steps to pass orders to get the incentive increment to the petitioner for having higher



qualification, pursuant to the direction issued by the third respondent on O.Mu.No.396/Aa.4/2017 dated 22.11.2017 and the aforesaid needful shall be undertaken by the fourth respondent, within a period of six weeks from the date of receipt of a copy of this order."

6.With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-IV)

To

1. The Director of Elementary Education,
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(Formerly District Elementary Educational Officer)
Madurai.
4. The Block Educational Officer,
(Formerly Additional Assistant Educational Officer)
Chellampatti Union, Chellampatti,
Thirumangalam Taluk, Madurai District.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 74609
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74704

ARUL

TE/SV/SAR-4 : 17/12/2018 : 3P/7C

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