



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2018

CORAM:

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) Nos.16608 and 16609 of 2018

S.Sheriff Ali	...Petitioner in W.P. (MD) No.16608 of 2018
I.Beema John	...Petitioner in W.P. (MD) No.16609 of 2018

Vs.

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,
Madurai District, Madurai.
- 3.The District Educational Officer,
Melur, Madurai District.
- 4.The Correspondent,
Al-Ameen Higher Secondary School,
K.Pudur- 625 007, Madurai District. .. Respondents in both W.P.s

PRAYER in W.P. (MD) No.16608 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to sanction incentive increment for the petitioner from the date acquiring M.Phil., degree with effect from March 2016 including arrears of salary with interest as per application made by the fourth respondent dated 18.01.2018, within a time frame to be fixed by this Honourable Court.

PRAYER in W.P. (MD) No.16609 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to sanction incentive increment for the petitioner from the date acquiring M.Phil., degree with effect from March 2016 including arrears of salary with interest as per application made by the 4th respondent dated 24/01/2018, within a time frame to be fixed by this Honourable Court.

For Petitioner in both W.P.s : Mr.T.Chandrasekaran

For R1 to R3 in both W.P.s. : Mrs.S.Srimathy

Special Government Pleader



C O M M O N O R D E R

As the issue involved in both the cases are one and the same, these cases are disposed of by this Common order with the consent of both the parties.

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2. The prayer sought for in the Writ Petition in W.P.(MD) No.16609 of 2018 is for a Writ of Mandamus, directing the third respondent to sanction incentive increment for the petitioner from the date of acquiring M.Phil., degree with effect from March 2016 including arrears of salary with interest as per application made by the fourth respondent dated 18.01.2018.

3. The prayer sought for in the Writ Petition in W.P.(MD) No.16608 of 2018 is for a Writ of Mandamus, directing the third respondent to sanction incentive increment for the petitioner from the date of acquiring M.Phil., degree with effect from March 2016 including arrears of salary with interest as per application made by the 4th respondent dated 24/01/2018, within a time frame to be fixed by this Honourable Court.

4. Heard Mr.T.Chandrasekaran, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the official respondents 1 to 3. Since no adverse orders are going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with.

5. Both teachers have been working at the fourth respondent school as B.T. Assistant (Science) and both petitioners have acquired M.Phil. degree subsequently and for acquiring the said higher qualification, the petitioners are entitled to incentive increment and therefore, both the petitioners approached the fourth respondent school for such incentive increment. Accordingly, by proceedings dated 18.01.2018 and 24.01.2018, respectively, the fourth respondent have forwarded the proposal with the recommendations to the third respondent for sanctioning and approval of incentive increment for the higher qualification of M.Phil., decreed acquired by both the writ petitioners.

6. Learned counsel appearing for the petitioner would submit that, if the said proposal / recommendations sent by the fourth respondent to the third respondent for second set of incentive increment for both the writ petitions is directed to be considered on merits and orders to that effect is directed to be passed, within a time frame that may be fixed by this Court, the petitioner would be satisfied.

7. I have heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 3, who would submit that, the said proposal sent by the fourth respondent to the third respondent, dated 18.01.2018 and 24.01.2018 respectively for consideration of granting of second set of incentive increment to



both the writ petitioners would be considered on merits and in accordance with law within the time frame.

8. In view of the submissions made by both the counsel, this Court is inclined to pass the following orders:-

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"the third respondent is hereby directed to consider the said proposal / recommendation made by the fourth respondent school dated 18.01.2018 and 24.01.2018 in respect of the petitioners respectively with regard to the sectioning of second set of incentive increment for acquiring higher qualification of M.Phil decree by both the writ petitioners and pass orders thereon on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order."

9. With this direction, these Writ Petitions are disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

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

2. The Chief Educational Officer,
Madurai District, Madurai.

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

+2cc to M/S.Mr.T.Chandrasekaran Advocate in SR.No.75426,75427
+2cc to Special Government Pleader, SR.No.75666,75667

Order made in
W.P. (MD) Nos.16608 and 16609 of 2018
27.07.2018

CMR

S.P PM SAR4 19.12.2018 3P 8C