



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) No.3163 of 2011

and

MP (MD) No.1 of 2011

S.Geraldin Agnes

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its
Secretary to Government,
Education Department,
Fort.St.George,
Chennai - 600 009.

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

3. The District Elementary Educational Officer,
Trichy.

4. The Assistant Elementary Educational Officer,
Manikandan Union,
Trichy -2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent in O.M.U.No.516/2009, dated 09.04.2009 and quash the same and to direct the respondents to grant incentive increment for the qualification namely M.A.,M.Ed, acquired by the petitioner with effect from 09.02.2007 and pay all benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Mr.M.Muthu,
Additional Government Pleader

**ORDER**

The relief sought for in this writ petition is for grant of incentive increment for acquiring additional educational qualification. However, the incentive increments are to be granted as per the terms and conditions of the Government Order. It is not as if the incentive increment has to be granted, whenever a teacher acquires an additional qualification.

2.The learned Additional Government Pleader, appearing on behalf of the respondents made submissions that the writ petitioner has already been sanctioned with 4 advance increment for possessing higher qualification of B.Ed., and M.A from the date of joining duty. .It is evident from page No.61 of the Service Book of the writ petitioner. As per G.O.Ms.No.1023 Education dated 09.12.1993 which was communicated along with the G.O.Ms.No.1024 Education dated 09.12.1993 the petitioner cannot be sanctioned further incentive increment. The petitioner has already availed the benefit of 4 advance increment and therefore her claim is restricted to 4 advance increment as stipulated in G.O.Ms.No.1023 Education dated 09.12.1993.

3.In view of the fact that the writ petitioner has already been sanctioned and disbursement of 4 advance increment, there is no provision under the Government Orders to grant any further incentive. In this view of the matter no further adjudication needs to be undertaken in respect of the grounds raised in this writ petition.

4.Accordingly, the writ petition stands dismissed. However, there shall be no orders as to costs. Consequently, MP(MD)No.1 of 2011 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Education Department,
Fort.St.George,
Chennai - 600 009.

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

<https://hcservices.hccourtsgov.in/hcservices/>
3. The District Elementary Educational Officer,
Trichy.



4. The Assistant Elementary Educational Officer,
Manikandan Union,
Trichy -2.

+1cc to Spl.Government Pleader Sr.No.45952

DSK

VB/JC/SAR4/21.02.2018/3P/6C

ORDER MADE IN
W.P(MD) No.3163 of 2011
31.01.2018