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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.33552 of 2019

V.Shanmugam

... Petitioner

Vs.

1.Government of Tamil Nadu
Represented by Principal Secretary to Government
School Education Department
Secretariat
Chennai 600 009

2.The Director of School Education
Chennai 600 006

3.The District Educational Officer
Thanjavur 613 001

4.The Secretary
Kalyanasundram Higher Secondary School
Thanjavur 613 009

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to consider the Appeal dated 22.11.2019 of the petitioner against the order passed by the 3rd respondent relating to O.Mu.No.5116/A3/2019 dated 09.09.2019 and disburse the monetary benefits thereof within a limited time frame.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.P.Raja, G.A.

O R D E R

By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.The case of the petitioner is that the petitioner was appointed as Secondary Grade Teachers in order to fill up the backlog vacancies of S.G.Teachers between 1997-2000 by virtue of G.O.Ms.No.113, School Education dated 14.03.1997 and G.O.Ms.No.301, on condition that the petitioner is not eligible



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for incentive increments for possessing higher qualification. The petitioner joined service as Secondary Grade Teacher on 01.06.2001 in Kalyanasundaram Higher Secondary School, Thanjavur. By virtue of G.O.Ms.No.83, School Education dated 28.04.2017 the Government relaxed the above condition and granted incentive increment and ordered sanction of incentive increments to those secondary Grade Teachers for possessing higher qualification than the qualification prescribed for Graduate Teachers notionally with monetary benefits from the date of G.O. (28.04.2017). The 4th respondent sanctioned incentive increments to the petitioner for passing M.Phil Degree and refixed his pay and it was sent for approval by the 3rd respondent on 18.08.2019. The 3rd respondent in his letter dated 09.09.2019 informed the 4th respondent that the petitioner was not eligible for incentive increments for possessing M.Phil. Degree. Aggrieved by the same, the petitioner submitted Appeal to the 2nd respondent which is pending. Hence, the petitioner is before this Court.

3.The learned counsel for the petitioner submitted that, it would suffice if a direction is issued to the 2nd respondent to consider the Appeal dated 22.11.2019 of the petitioner against the order passed by the 3rd respondent relating to O.Mu.No.5116/A3 /2019 dated 09.09.2019 and disburse the monetary benefits therefore, within a reasonable time fixed by this Court to disburse service benefits to the petitioner.

4.The learned Government Advocate appearing for the respondents would accede to the submission made by the learned counsel for the petitioner and submitted that if any such representation was received by the respondents, the same will be considered on merits and in accordance with law.

5.Thus, without going into the merits of the case, this Court is inclined to direct the 2nd respondent to consider the Appeal dated 22.11.2019 of the petitioner against the order passed by the 3rd respondent relating to O.Mu.No.5116/A3 /2019 dated 09.09.2019 within a period of twelve weeks and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To.

1.The Principal Secretary to Government
Government of Tamil Nadu
School Education Department
Secretariat, Chennai 600 009

2.The Director of School Education
Chennai 600 006

3.The District Educational Officer
Thanjavur 613 001

4.The Secretary
Kalyanasundram Higher Secondary School
Thanjavur 613 009

+1cc to Mr.J.Muthukumaran, Advocate SR.99721

+1cc to the Government Pleader SR.107748

W.P.No.33552 of 2019

EV(CO)
CB(22/01/2020)