



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD) Nos.929 to 932 of 2019
and C.M.P. (MD) No.8370 to 8373 of 2019**

1. THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI 6.
2. THE CHIEF EDUCATIONAL OFFICER TUTICORIN DISTRICT
3. THE HEADMASTER
K.R.SARADHA GOVERNMENT HIGHER SECONDARY SCHOOL,
NALATINPUTHUR, TUTICORIN DISTRICT
... PETITIONER IN WA(MD) . 929 of 2019

1. THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI 6.
2. THE CHIEF EDUCATIONAL OFFICER TUTICORIN DISTRICT
3. THE HEADMASTER
GOVERNMENT HIGH SCHOOL, KODANGIPATTI,
KURUVARPATTI 628 904, TUTICORIN DISTRICT
... PETITIONER IN WA(MD) . 930 of 2019

1. THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI 6.
2. THE CHIEF EDUCATIONAL OFFICER TUTICORIN DISTRICT
3. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL,
OOTHUPATTI, TUTICORIN DISTRICT
... PETITIONER IN WA(MD) . 931 of 2019

1. THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI 6.



2. THE CHIEF EDUCATIONAL OFFICER
TUTICORIN DISTRICT

3. THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL,
VILLISERI KOVILPATTI, TUTICORIN DISTRICT

... PETITIONER IN WA(MD). 932 of 2019

-VS-

S.GANESAN ... RESPONDENT W.A. (MD) NO.929/2019

R.RAJALAKSHMI ... RESPONDENT W.A. (MD) NO.930/2019

A.SUMATHI ... RESPONDENT W.A. (MD) NO.931/2019

R.RAJALAKSHMI ... RESPONDENT W.A. (MD) NO.932/2019

Writ Appeals filed under Clause 15 of Letters Patent against the common order dated 30.07.2018, made in W.P.(MD) Nos.16724 to 16727 of 2018, on the file of this Court.

COMMON PRAYER WP(MD). 16724 TO 16727 OF 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respective respondents to sanction the incentive increment to the petitioner's for M.A.Tamil qualification and confer all the consequential benefits.

For Appellant in all these : Mrs.S.Srimathy
appeals Special Government Pleader

For Respondent in all : Mr.V.Panneer Selvam
these appeals

COMMON JUDGMENT

[Common Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mrs.S.Srimathi, learned Special Government Pleader appearing for the appellants and Mr.V.Panneer Selvam, learned counsel appearing for the respondent, in these appeals.

2.Since the issue involved in these Writ Appeals are one and the same and these Writ Appeals arise out a common order, they are taken up together for disposal. By consent on either side, these Writ Appeals are taken up for final disposal.



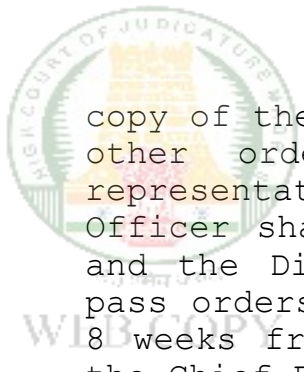
3.The respondent/writ petitioner in these appeals are Vocational Instructors and they acquired post graduate qualification after acquiring B.Ed. qualification. After acquiring B.Ed. qualification as per G.O.Ms.No.42 Education Department dated 10.01.1969 one stage of advance increment has been granted. The respondent/writ petitioner in these appeals acquired Post Graduate qualification viz., M.A. Degree and sent representations dated 19.03.2018, 26.04.2018, 07.05.2018 and 07.05.2018 respectively, requesting for second set of incentive and they were not considered and hence, the Writ Petitions have been filed.

4.It appears that the Writ Petitions were disposed of at the admission stage itself holding that the entitlement of the writ petitioners to get second set of incentive increment can no longer be an unresolved issue, since it has been settled in a number of cases. But what we find is the respondent in these Writ Appeals are Vocational Instructors and on a plain reading of G.O.Ms.No.42 Education Department dated 10.01.1969, we find that they fall within the other special teachers, if that is so, they are entitled to one stage of advance increment for B.Ed., or B.T. or other qualification in the State of Tamil Nadu.

5.The learned counsel appearing for the respondent/writ petitioner in these appeals refer to the decision of the Division Bench of this Court in the case of **Secretary to Government, Department of School Education and 3 others v. M.Joseph Charles in W.A.No.191 of 2019 dated 23.01.2019** and submitted that clarification has been issued by the Government in G.O.Ms.No.1032 dated 22.06.1971 and if the clarification is applied to the specialist teachers like the respondent/writ petitioner in these appeals will also entitled to such benefits.

6.After considering the submission on either side, we are of the view that the right of the respondent/writ petitioner for being entitled for second set of increment requires adjudication because the respondents are working as Vocational Instructors and they have to be heard in the matter as to how the clarification issued by the Government will apply to their cases. However, the facts remains that the Department has not passed orders on the representations, which appears to have been sent through proper channel and advance copies marked to the appellants. Therefore, in our considered view a decision has to be taken by the appellants on the representations, which have been made by the respondent/writ petitioner and if they are aggrieved with the decisions taken by the appellants, they can work out their remedy in accordance with law.

7.In the result, the common order passed in the Writ Petitions is set aside and the respondent/writ petitioner in these Writ Appeals are directed to submit a fresh representations within two weeks from the date of receipt of a copy of this order along with a



copy of the earlier representations and a copy of this order and the other orders which they rely upon and on receipt of the representations through proper channel, the Chief Educational Officer shall forward the same to the Director of School Education and the Director of School Education shall consider the same and pass orders on merits and in accordance with law within a period of 8 weeks from the date on which the representations are forward by the Chief Educational Officer.

8.These Writ Appeals are disposed of accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar()

// True Copy //

Sub Assistant Registrar(CS)

sj

To:

1.THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI - 6.

2.THE CHIEF EDUCATIONAL OFFICER, TUTICORIN DISTRICT.

3. THE HEADMASTER

K.R.SARADHA GOVERNMENT HIGHER SECONDARY SCHOOL,
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4. THE HEADMASTER

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OOTHUPATTI, TUTICORIN DISTRICT

6. THE HEADMASTER

GOVERNMENT HIGHER SECONDARY SCHOOL,
VILLISERI KOVILPATTI, TUTICORIN DISTRICT

+4CC TO MR.V.PANNEER SELVAM, Advocate Sr. No.89214

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.89360

W.A. (MD) Nos.929 to 932 of 2019
and C.M.P. (MD) No.8370 to 8373 of 2019
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sss (CO)

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