



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.07.2019**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P. (MD) No.16312 of 2019**

J.Magdalene Rajula

... Petitioner

Vs.

1.The District Educational Officer,  
Tiruchendur,  
Tuticorin District - 628 215.

2.The Block Educational Officer,  
Tiruchendur Union,  
Tuticorin District.  
[Previously called as Additional Assistant  
Elementary Educational Officer]

3.The Correspondent,  
TNDTA Middle School,  
Jerusalem,  
Tuticorin District.

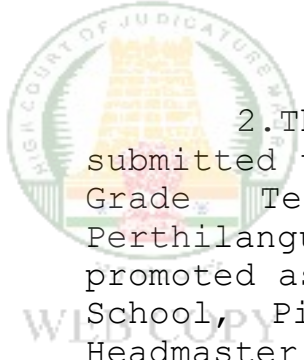
... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent herein vide proceedings in A.Thi.Mu.No.926/Aa1/16, dated 30.08.2016, quash the same and further direct the respondents herein to sanction one set of incentive increments for acquiring M.A. Degree w.e.f., 26.05.2004 to the petitioner.

|                |                            |
|----------------|----------------------------|
| For Petitioner | : Mr.A.Ajith Geethan       |
| For R1 and R2  | : Mrs.S.Srimathy           |
|                | Special Government Pleader |

**ORDER**

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus, to quash the impugned proceedings issued by the second respondent herein, vide his proceedings in A.Thi.Mu.No.926/Aa1/16, dated 30.08.2016, and further direct the respondents herein to sanction one set of incentive increments for acquiring M.A. Degree w.e.f., 26.05.2004 to the petitioner.



2.The learned counsel appearing for the petitioner submitted that the petitioner was initially appointed as Secondary Grade Teacher on 01.11.1985 in TNDTA Middle School, Perthilangulam, Tuticorin District and thereafter, she was promoted as Middle School Headmaster on 02.06.1995 in TNDTA Middle School, Pitchivilai. While she was working as Middle School Headmaster, she completed M.A. Degree course during May 2004 and therefore, she is entitled for one set of incentive increment, for acquiring the M.A. Degree. After getting Genuineness Certificate from the University, the School submitted a proposal to the second respondent herein on 08.07.2016, requesting to sanction one set of incentive increment to the petitioner for obtaining higher qualification viz., M.A. Degree, from 26.05.2004, but, the second respondent herein returned the proposal vide his impugned proceedings dated 30.08.2016 stating that the petitioner is not entitled to get any incentive increment for higher qualification as per G.O.Ms.No.539, Education Department, dated 21.04.1986. The learned counsel further submitted that the second respondent without considering G.O.Ms.No.42, Education Department, dated 10.01.1969, as well as G.O.Ms.No.1024, Education, Science & Technology Department, dated 09.12.1993, has passed the present impugned order and therefore, the third respondent re-submitted the proposal along with certain particulars to the second respondent on 19.02.2018. Hence, if a direction is issued to the first respondent to consider the proposal submitted by the third respondent, dated 19.02.2018, it would suffice.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the first respondent would consider the proposal submitted by the third respondent, dated 19.02.2018 and pass orders on merits and in accordance with law, within a time limit to be fixed by this Court.

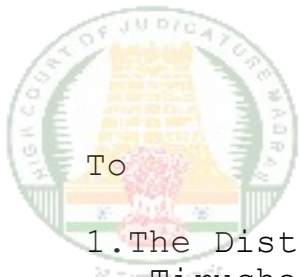
4.Recording the abovesaid submission made by the learned counsel on either side, this Court directs the first respondent to consider the proposal submitted by the third respondent, dated 19.02.2018, and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.This Writ Petition is disposed of, with the above direction. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //



To

1.The District Educational Officer,  
Tiruchendur,  
Tuticorin District - 628 215.

2.The Block Educational Officer,  
Tiruchendur Union,  
Tuticorin District.

+1 CC to M/s.A.AJITH GEETHAN, Advocate SR-77101.

+1 CC to SPL GP SR-77300.

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CS (05.08.2019) 3P 5C