



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P. (MD)Nos.4919 to 4922 of 2014

and

M.P. (MD)Nos.1, 2, 1, 2, 1, 2, 1 and 2 of 2014

M.Govindaraju ... Petitioner in W.P. (MD)No.4919 of 2014
A.R.Kavitha ... Petitioner in W.P. (MD)No.4920 of 2014
J.Senthil Selvan ... Petitioner in W.P. (MD)No.4921 of 2014
J.Joy Selvarani ... Petitioner in W.P. (MD)No.4922 of 2014

-Vs-

1.The Secretary to Government,
School Education,
Fort St. George, Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer,
Sivagangai District, Sivagangai.

... Respondents 1 to 3
in all Writ Petitions

4.The Headmaster,
Government Higher Secondary School,
Kalaiyarkovil,
Sivagangai District.

... 4th respondent in
W.P. (MD)Nos.4919 and 4922 of 2014

4.The Headmaster,
Government Higher Secondary School,
Silukkapatti,
Sivagangai District.

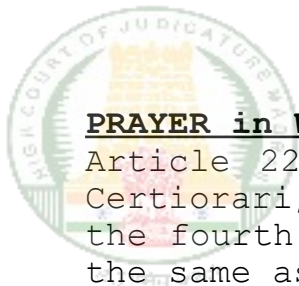
... 4th respondent in
W.P. (MD)No.4920 of 2014

4.The Headmaster,
Government Higher Secondary School,
Mangudi, Sivagangai District.

... 4th respondent in
W.P. (MD)No.4921 of 2014

5.The Regional Accounts Officer (Audit),
School Education Department,
Madurai-625 002.

... 5th Respondent
in W.P. (MD)Nos.4919, 4920 & 4922



PRAYER in W.P. (MD)Nos.4919, 4922 of 2014: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the fourth respondent in Na.Ka.No.30/2014 dated 14.02.2014 and quash the same as illegal.

PRAYER in W.P. (MD)No.4920 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the fourth respondent in Na.Ka.No.21/2014 dated 17.02.2014 and quash the same as illegal.

PRAYER in W.P. (MD)No.4921 of 2014: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the impugned order passed by the fourth respondent in Mu.Mu.No.104/2013, dated 08.10.2013 and quash the same as illegal.

For Petitioner : Mr.C.Arul Vadivel Alais Sekar
(in all Writ Petitions)

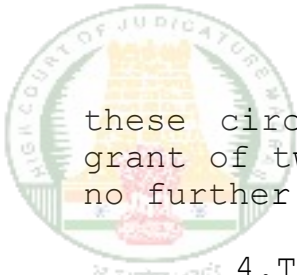
For Respondents : Mrs.S.Srimathy,
(in all Writ Petitions) Special Government Pleader.

COMMON ORDER

The order rejecting the claim of the writ petitioners for grant of incentive increment as well as consequential recovery order issued in proceeding dated 14.02.2014, 17.02.2014 and 08.10.2013 are under challenge in the present Writ Petitions.

2.The writ petitioners were appointed as Secondary Grade Teacher and acquired additional educational qualifications and consequently, submitted an application for grant of incentive increment. The benefit of incentive increment was granted to encourage them to acquire additional educational qualifications, which would be beneficial to the students, while imparting education. The Government policy states that a teacher is eligible to get two incentive increment in entire service. Qualification must be acquired with the prior approval of the department and the degree must be a valid one. These are the terms and conditions for grant of incentive increment to the teachers in the event of acquiring additional educational qualifications.

3.Under these circumstances, the audit objections were raised that excess payment was made to the writ petitioners under the head of incentive increment. The said excess amount was to be recovered. It is made clear that the writ petitioners are entitled to get two incentive increment as per the Government Orders in force and excess incentive increment, if any granted, that can be recovered and under



these circumstances, the eligibility of the writ petitioners for grant of two incentive increment is to be considered and beyond that no further increment should be granted.

4.This being the fact, the respondents are directed to verify the service register of the writ petitioners and ascertain the eligibility and accordingly, sanction two incentive increment for acquiring additional educational qualifications. If any excess increment or otherwise are granted, the respondents are at liberty to recover the same in accordance with the Government Orders in force.

5.With these directions, these Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Secretary to Government,
School Education,
Fort St. George, Chennai-9.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Sivagangai District, Sivagangai.
- 4.The Headmaster,
Government Higher Secondary School,
Kalaiyarkovil, Sivagangai District.
- 5.The Headmaster,
Government Higher Secondary School,
Silukkapatti, Sivagangai District.
- 6.The Headmaster,
Government Higher Secondary School,
Mangudi, Sivagangai District.
- 7.The Regional Accounts Officer (Audit),
School Education Department,
Madurai-625 002.

+1 CC to M/s.C.ARUL VADIVEL @SEKAR, Advocate (SR-81008[F] dated 09/08/2019)

+1 CC to M/s.SPL GP (SR-81181[F] dated 09/08/2019)

W.P. (MD)Nos.4919 to 4922 of 2014

08.08.2019

myr

JM/27.08.2019/3P/10C

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