



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.5736 of 2015

A.Isabella

... Petitioner

vs.

1.The Director of School Education

DPI Campus, College Road
Chennai-600 006

2.The Chief Educational Officer

Nagercoil, Kanniyakumari District

3.The District Educational Officer

Nagercoil, Kannniyakumari District

4.The Correspondent

Little Flower Girls Higher Secondary School
Nagercoil, kanniyakumari District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to sanction two incentive increments in the petitioner within a time frame for acquiring M.A.(Sociology) Degree in the month of January 2009 and disburse the arrears thereof besides revising her pensionary benefits on that basis.

For Petitioner : Mr.G.Punniyakotti

For Respondents : Mrs.S.Srimathy

Special Government Pleader for R1 to R3

No appearance for R4

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to sanction two incentive increments to the writ petitioner, within a time frame, for acquiring M.A. (Sociology) Degree in the month of January, 2009.

2. The writ petitioner was appointed as a Secondary Grade Teacher and for acquiring the additional educational qualifications, two incentive increments were granted to him with effect from 01.01.1987. The writ petitioner studied M.A. (Sociology) through Tamil Nadu Open University and passed the examination during 2009. Thus, the writ petitioner submitted an



application for sanction of two incentive increments for M.A. (Sociology) Degree.

3. This Court is of the opinion that the incentive increments are to be granted strictly in accordance with the terms and conditions stipulated in the Government Orders.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 states that there is no such subject prescribed by the Government of Tamil Nadu in respect of the School, where the writ petitioner is working. In the absence of any relevancy, with reference to the additional qualification acquired, the incentive increment cannot be granted.

5. It is also contended that in the absence of a particular subject in the School for imparting education, a Teacher, who acquired the additional qualification, is not entitled for incentive increment. However, the grant of incentive increment is to be regulated with reference to the Government Orders in force.

6. The learned Special Government Pleader appearing for the respondents 1 to 3 further states that the subject studied by the writ petitioner through Open University System is not prescribed as a subject for +1 and +2 course. This apart, in the School, wherein the writ petitioner is working, there is no such subject available. This being the factum, the case of the writ petitioner for grant of incentive increment cannot be considered at all.

7. In view of the above submissions made, the writ petitioner is not eligible for grant of incentive increment for acquiring additional educational qualification of M.A.(Sociology). Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Nagercoil, Kanniyakumari District.



3.The District Educational Officer,
Nagercoil, Kannniyakumari District.

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 74742

W.P. (MD) No.5736 of 2015

DB (CO)

TR (17.07.2019) 3P 5C