



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) Nos.10464 to 10466 of 2017

WEB COPY

K.Santha	...	Petitioner in W.P.(MD)No.10464 of 2017
R.Mangaiyarkarasi	...	Petitioner in W.P.(MD)No.10465 of 2017
K.Chitra	...	Petitioner in W.P.(MD)No.10466 of 2017

-Vs-

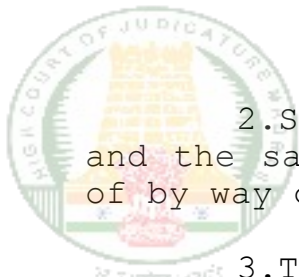
- 1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600 006.
 - 2.The District Elementary Educational Officer,
Ramanathapuram.
 - 3.The Additional Assistant Elementary Officer,
Education Department, Ramanathapuar, Ramanathapuram District.
- ... Respondents
in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the third respondent i.e., the Additional Assistant Elementary Educational Officer, Ramanathapuram relating to the proceedings No.ந.க.எண்.961/ஆ1/2016, and ந.க.எண்.841/ஆ1/2016, dated 28.11.2016 and quash the same and consequently, direct the respondents to continue to pay the incentive increment already sanctioned to the petitioners with effect from 01.06.2012, December, 2011 and July 2010 for acquisition of B.Ed., degree after becoming Headmistress of Middle School within a specified time frame that may be fixed by this Court.

For Petitioner	: Mr.S.Visvalingam (in all Writ Petitions)
For Respondents	: Mr.A.Thiagarajan, (in all Writ Petitions) Government Advocate.

COMMON ORDER

The order of the third respondent, dated 28.11.2016, is sought to be quashed in the present Writ Petitions and further direction sought for is to direct the respondents to continue to pay the incentive increment already sanctioned to the petitioners, with effect from 01.06.2012, December, 2011 and July, 2010, for acquisition of B.Ed., degree after becoming Headmistress of Middle School.



2. Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

3. The petitioners were promoted as Middle School Headmistress on 13.10.2005, 27.11.2006 and 27.11.2006 respectively. They were acquired B.Ed., degree in the year 2012, 2010 and 2011 respectively. The petitioners were granted two incentive increments from June, 2012, July, 2010 and December, 2011. While so, in the year 2014, the respondents have stopped the incentive increments from 01.06.2014, 01.08.2014 and 01.06.2014 respectively. The petitioners gave representation to the Director of Elementary Education, Chennai, on 25.04.2016. The third respondent has rejected the same. Challenging the same, the present Writ Petitions are filed.

4. The respondents filed counter affidavit. The learned Government Advocate appearing for the respondents contended that a person, who possess B.Lit., degree, need not possess B.Ed., degree for considering the appointment. Therefore, the petitioners are not entitled to incentive increments for acquiring the B.Ed., degree and prayed for dismissal of the writ petitions.

5. Heard Mr.S.Visvalingam, learned counsel appearing on behalf of the petitioners and Mr.A.Thiagarajan, learned Government Advocate appearing on behalf of the respondents.

6. The contention of the learned Government Advocate that the petitioners are not entitled to incentive increment, for acquiring the B.Ed, degree, as they have already possessed B.Lit., degree, is without merits. The said contention is contrary to the clarification issued by the Director of Elementary Education, dated 07.06.1991. As per the clarification, the Teachers are encouraged to acquire the higher qualification, so that, the students will be benefited. The issue of incentive increment was considered by this Court in W.P(MD)No.7595 of 2012, dated 07.11.2014, W.P(MD)No.18899 of 2014, dated 17.04.2015 and W.P(MD)Nos.21368 of 2014 and W.P(MD) No.4332 of 2015, dated 05.04.2017.

7. In the above cases, this Court, considering the Government Order and the clarification issued by the Director of Elementary Education, dated 07.06.1991, held that the Teacher, possessing B.Lit., Degree, is entitled to incentive increment, when they acquired B.Ed., degree.

8. In view of the orders referred to above, as well as the clarification of the Director of Elementary Education, dated 7.6.1991, the petitioners are entitled to incentive increment, for acquiring the B.Ed., degree. Therefore, the order of the third respondent dated 28.11.2016, is quashed.



9. For the above reasons, the Writ Petitions stand allowed as prayed for. No costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Director of Elementary Education,
DPI Complex, College Road,
Chennai-600 006.

2.The District Elementary Educational Officer,
Ramanathapuram.

3.The Additional Assistant Elementary Officer,
Education Department, Ramanathapuar,
Ramanathapuram District.

+3CC TO MR.S.VISVALINGAM, Advocate Sr. No. 87449 TO 87451

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 87980

W.P. (MD) Nos.10464 to 10466 of 2017

18.09.2019

GKG(CO)

TR(16.10.2019) 3P 8C