



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
W.P. (MD)Nos.13614 & 13615 of 2017

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W.P (MD) No.13614 of 2017

B.Malliga ... Petitioner

Vs.

1.The District Elementary Educational Officer,
Ramanthapuram.

2.The Assistant Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents i.e., the District Elementary Educational Officer, Ramanathapuram and the Assistant Elementary Educational Officer, Ramanathapuram for restoration of the said incentive increments for acquiring M.A. (Tamil) Degree and B.Ed., Degree with effect from 01.06.2014 as already sanctioned within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.Visvalingam

For Respondents : Mr.M.Karuppasamy,
Government Advocate

W.P (MD) No.13615 of 2017

M.Santhi ... Petitioner

Vs.

1.The District Elementary Educational Officer,
Ramanthapuram.

2.The Assistant Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents i.e., the District Elementary Educational Officer, Ramanathapuram and the Assistant Elementary Educational Officer, Ramanathapuram for restoration of the said incentive increments for acquiring M.A.



(Tamil) Degree and B.Ed., Degree with effect from 01.07.2014 as already sanctioned within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.Visvalingham
For Respondents : Mr.M.Karuppasamy,
Government Advocate

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COMMON ORDER

These writ petitions are filed seeking for a mandamus directing the respondents i.e., the District Elementary Educational Officer, Ramanathapuram and the Assistant Elementary Educational Officer, Ramanathapuram, for restoration of the said incentive increments, for acquiring M.A.(Tamil) Degree and B.Ed., Degree with effect from 01.06.2014 and 01.07.2014 respectively, as already sanctioned.

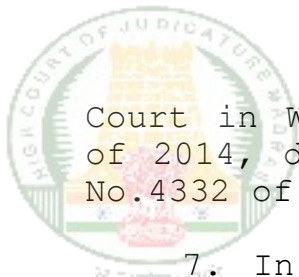
2. The issue involved in these writ petitions are one and the same and hence, disposed of by common order.

3. The petitioners were promoted as Middle School Headmasters on 5.11.2007 and 12.10.2009 respectively. They were acquired B.Ed., degree in the year 2011 and 2012 respectively. The petitioners were granted two incentive increments from 1.12.2011 and 25.12.2012. While so, in the year 2014, the respondents have stopped the incentive increments from 01.06.2014 and 01.7.2014 respectively. The petitioners gave representation to the Director of Elementary Education, Chennai, on 23.03.2017 and on 28.03.2017 respectively, but no order has been passed sofar. Hence, they have come out with the present writ petitions.

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 the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

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 are already possessing B.Lit., degree, is without merits. The said contention is contrary to the clarification issued by the Director of Elementary Education, dated 7.6.1991. 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 clarification issued by the Director of Elementary Education, dated 7.6.1991, 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.

9. For the above reasons, both the writ petitions are allowed as prayed for. No costs.

Sd/-

Assistant Registrar (Ad-II)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Elementary Educational Officer,
Ramanthapuram.

2.The Assistant Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.

+2 CC to M/s.S.VISVALINGAM, Advocate SR-87177 & 87178.

+1 CC to SPL GP SR-87575.

W.P. (MD)Nos.13614 & 13615 of 2017

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CS(16.10.2019) 3P 5C