



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.9519 of 2020

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R.Precilla Valantina

... Petitioner

-Vs-

1.The Director of School Education,
O/o. The Director of School Education,
DPI Compound,
College Road, Chennai.

2.The Chief Educational Officer,
O/o., Chief Educational Office,
Tirunelveli District,
Tirunelveli-9.

3.The District Educational Officer,
O/o., Chief Educational Office,
Tirunelveli District,
Tirunelveli-9.

4.The Correspondent,
Sarah Tucker Girls Higher Secondary School,
Palayamkottai, Tirunelveli District-2.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to consider the petitioner's representation dated 28.01.2015 and thereby, to grant incentive increment for acquired M.Phil decree and all consequential benefits in the light of G.O.Ms.No.42, School Education Department, dated 10.01.1969.

For Petitioner : Mr.P.R.Prithviraj
For Respondents : Mr.M.Thilagar
Government Advocate
for R1 to R3

ORDER

Prayer sought for herein is for a Writ of Mandamus, to direct the third respondent to consider the petitioner's representation, dated 28.01.2015 and thereby, to grant incentive increment for acquired M.Phil decree and all consequential benefits in the light of G.O.Ms.No.42, School Education Department, dated 10.01.1969.

2.Heard Mr.P.R.Prithviraj, learned counsel appearing for the petitioner and Mr.M.Thilagar, learned Government Advocate appearing for the respondents 1 to 3.



3. By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself. Since no adverse order is going to be passed against the fourth respondent, notice to him is dispensed with.

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4. The petitioner is working as Assistant Headmistress at the fourth respondent School and in order to enhance his educational qualification, he wanted to pursue the course of M.Phil. Accordingly, through the fourth respondent School, the petitioner sought for permission in the year 2009, by letter dated 09.02.2009. However, the said application was not considered at that time and no permission was given to the petitioner to pursue the course. However, the petitioner had joined in M.Phil course at Priest University, Thanjavur and she completed the course in April-2009. Thereafter, till date the permission sought for by the petitioner was not considered and given by the official respondents. Therefore, the petitioner, even though has acquired higher qualification, was not able to get relevant service benefits.

5. Therefore, in this regard, the petitioner had given a representation on 28.01.2015 and the same was forwarded by the fourth respondent School on 10.02.2015 and thereafter also, several representations have been made. However, so far, the permission have not been given to the petitioner. Therefore, the petitioner has approached this Court by filing this writ petition with aforesaid prayer.

6. The learned counsel appearing for the petitioner would submit that, since the request made in the year 2009 has not been considered and even the representation made on 28.01.2015 seeking post permission also has not been considered, if a direction is given to the official respondents to consider the request of the petitioner to grant nod for post approval permission for having completed the M.Phil course by the petitioner, within a time frame on merits, the petitioner would be satisfied.

7. The learned Government Advocate appearing for the respondents would submit that, petitioner's representation, dated 28.01.2015 and subsequent reminders if any, would be considered by the official respondents within a time frame to be stipulated by this Court on merits and accordingly, final order would be passed.

8. Considering the limited scope of the prayer sought for herein and having regard to the said submissions made by the learned counsel appearing for both sides, this Court is inclined to dispose of this writ petition with the following directions:

'that the respondents, especially, the official respondents 1 to 3 shall consider the request of the petitioner, dated 28.01.2015 with regard to his post



approval for his acquiring additional qualification of M.Phil degree in the year 2009 and decide the same, on merits and in accordance with law and pass orders thereon, within a period of eight (8) weeks from the date of receipt of a copy of this order.'

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9. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

1. The Director of School Education,
O/o. The Director of School Education,
DPI Compound,
College Road, Chennai.
2. The Chief Educational Officer,
O/o., Chief Educational Office,
Tirunelveli District,
Tirunelveli-9.
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4. The Correspondent,
Sarah Tucker Girls Higher Secondary School,
Palayamkottai, Tirunelveli District-2.

+1 CC to M/s.GP (SR-14399[F] dated 19/08/2020)

W.P.(MD)No.9519 of 2020

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KK(17.09.2020) 3P 6C

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