



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.9948 of 2020

WEB COPY

R.Balasubramanian

... Petitioner

Vs.

1.The State of Tamil Nadu

rep. by its The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.

2.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

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

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to give 1 incentive with 2 increments from the date of acquiring higher qualification as per the G.O.Ms.No.240, School Education Department, dated 18.08.2010, G.O.Ms.No.324 dated 25.04.1995 and as per the Judgment rendered by this Court dated 17.04.2012 in W.P.No.12817 of 2011.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.A.Thiyagaraan, G.A.

ORDER

The prayer sought for in this writ petition is for a Writ of Mandamus, directing the respondents to give 1 incentive with 2 increments from the date of acquiring higher qualification as per G.O.Ms.No.240, School Education Department, dated 18.08.2010, G.O.Ms.No.324 dated 25.04.1995 and as per Judgment rendered by this Court dated 17.04.2012 in W.P.No.12817 of 2011.

2.The petitioner was appointed as part-time Higher Secondary School Vocational Teacher from 01.12.1980 at the Government Boys Higher Secondary School, Sayalkudi, Ramanathapuram and his service was regularised with effect from 01.04.1990 by virtue of G.O.No.358, Education Department dated 18.08.1987 and on superannuation, he retired from service on 31.10.2008. The petitioner was qualified



with B.Com., M.Com. and B.Ed. After having acquired the higher qualification, especially, B.Ed., though the petitioner is entitled to get incentive increment, the same has not been allowed. Therefore, in order to get the incentive increment, the petitioner has given representation on 17.03.2020 to the respondents and if the said representation is directed to be decided on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied, the learned counsel appearing for the petitioner contended.

3.Heard the learned Government Advocate appearing for the respondents, who would submit that, the said representation of the petitioner dated 17.03.2020 would be considered and decided on merits and in accordance with law, within a time frame to be stipulated by this Court.

4.Considering the limited scope of the prayer sought for herein and by taking into account the said submissions made by both sides, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents, especially, the 3rd respondent is hereby directed to consider the representation of the petitioner dated 17.03.2020 and decide the same on merits and in accordance with law and accordingly, pass orders, within a period of 12 weeks from the date of receipt of a copy of this order."

5.With this direction, 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 Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Joint Director (Vocational),
Directorate of School Education,
DPI Compound, College Road,
Chennai - 600 006.

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

W.P. (MD) No. 9948 of 2020
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AC (CO)

AP (29/09/2020) 3P 4C