



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **M.S.RAMESH**

W.P. (MD) Nos.26190 & 26193 of 2019

and

W.M.P. (MD) Nos.22633, 22635 & 22636 of 2019

C.K.Sheela ... Petitioner in W.P.(MD) No.26190 of 2019

M.Meenambigai ... Petitioner in W.P.(MD) No.26193 of 2019

/vs./

1.Block Educational Officer,
Madurai West,
Anaiyur,
Madurai 625 017.

2.Rajaji Middle School,
represented by its Secretary,
No.1, Sathyamoorthy Main Road,
Meenambalpuram,
Madurai - 625 002.

... Respondents in both W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned order of return made in his proceedings in Aa.Ti.Mu.No.1653/Aa1/2019, dated 18.10.2019 and quash the same as arbitrary and consequently, direct the first respondent to sanction incentive increment to the petitioners for having acquired higher qualification in M.A. degree in the light of the order passed in W.P.(MD) No.21286 of 2015 dated 08.12.2015 from the date of acquisition within the time limit that may be stipulated by this Court.

For Petitioner
in both W.Ps.,

: Mr.K.Gurunathan

For R1
in both W.Ps.,

: Mr.M.Karuppasamy
Government Advocate



COMMON ORDER

These Writ Petitions are filed to quash the order passed by the first respondent in Aa.Ti.Mu.No.1653/Aa1/2019, dated 18.10.2019 and to direct the first respondent to sanction incentive increment to the petitioners.

2.The petitioners' applications seeking for incentive increments for having acquired qualification in M.A. (History) have been returned through the impugned order dated 18.10.2019, stating that under G.O.Ms.No.83, School Education Department, dated 28.04.2017, the incentive increments are extended only to the graduate teachers, who belong to SC and ST communities.

3.I do not find any infirmity in the impugned order, in view of the specific provision in G.O.Ms.No.83, which extends the benefit of incentive increments only to the graduate teachers, who belong to SC and ST communities. I also do not support the contention raised by the learned counsel appearing for the petitioners that there is no prohibition in G.O.Ms.No.83, for grant of incentive increments to the persons belonging to the communities other than SC and ST communities.

4.When the Government Order itself is a beneficial order enabling payment of incentive increments to one sect of the community teachers, there need not be a specific mention about the non entitlement to the other community teachers. Such a non entitlement is inherent in the Government Order itself and therefore, the petitioners belonging to BC/MBC communities (PIRAMALAI KALLAR & YADHAV COMMUNITIES) will not be entitled for such incentive increments. In view of the above, there is no infirmity in the order impugned.

5.Accordingly, the Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

mm

To:

1.Block Educational Officer,
Madurai West, Anaiyur,
Madurai 625 017.

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



2. The Secretary,
Rajaji Middle School,
No.1, Sathyamoorthy Main Road,
Meenambalpuram,
Madurai - 625 002.

WEB COPY

+2 CC to M/s.K.GURUNATHAN, Advocate (SR-551 & 754 [F] dated
07/01/2020)

+1 CC to M/s.SPL.GP (SR-688[F] dated 08/01/2020)

W.P. (MD) Nos.26190 & 26193 of 2019
07.01.2020

JMN(27.01.2020) 3P : 6C