IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3319 of 2021

C.Samarasam ... Petitioner

Vs.

1. The State of Tamil Nadu,
   Rep. by its Principal Secretary to Government,
   School Education Department,
   Secretariat, Fort. St. George,
   Chennai - 600 009.

2. The Director of School Education,
   D.P.I. Compound, College Road,
   Chennai - 600 006.

3. The Finance Adviser and Chief Accountant Officer (Audit),
   Director of School Education,
   D.P.I.Compound,
   Chennai - 600 006.

4. Chief Educational Officer (C.E.O.),
   Presidency School Campus, Egmore,
   Chennai - 600 008.

5. The Headmistress,
   Government Girls Higher Secondary School,
   Ashok Nagar, Chennai - 600 083. .... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to sanction and release the first incentive increment to the petitioner with effect from May 2017, for acquiring Post Graduate Diploma in Yoga Degree in Physical Education.

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For Petitioner : Mr.C.Johnson

For Respondents : Mr.P.Raja,
Government Advocate

O R D E R

This writ petition has been filed, seeking a direction to the respondents to sanction and release the first incentive increment to the petitioner with effect from May 2017, for

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acquiring Post Graduate Diploma in Yoga Degree in Physical Education.

2. By consent of both sides, final orders are passed in the writ petition. Mr.P.Raja, learned Government Advocate takes notice for respondents.

3. The case of the petitioner is that the petitioner who works as a Physical Educational Teacher at the Government High school, Ponpethi, Pudukottai District, sought for incentive increment for acquiring higher qualification in the same field as she completed Post Graduate Diploma in Yoga during May 2017. As the 5th respondent failed to sanction and release first incentive increment for acquiring higher qualification, the petitioner made a representation dated 04.10.2017, with a request to grant incentive increment to the 5th respondent. Inspite of representation, since the 5th respondent failed to consider the representation, she made a representation, dated 10.06.2019 to the Chief Educational Officer, 4th respondent herein for early sanction and release of incentive increment. Since there is no action taken on his representations, the petitioner has filed the present writ petition with the above said relief.

4. According to the learned counsel for the petitioner, the petitioner has submitted representations dated 04.10.2017 and 10.06.2019, but the same is yet to be disposed of by the respondents. However, the learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered by the respondents on merits.

5. In view of the limited prayer sought for by the petitioner and if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondents concerned to consider the representations of the petitioner dated 04.10.2017 and 10.06.2019 and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioner, as expeditiously as possible, preferably within a period of 90 days from the date of receipt of a copy of this order.

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6. The petitioner shall furnish her phone number, email ID, if any, etc., along with a copy of the representation dated 04.10.2017 and 10.06.2019 and this order, to the respondents forthwith. The respondents are directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the parties to file contempt after expiry of the

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specified period. In case the authorities concerned fail to send communication to the parties, they will have to face the civil imprisonment in case of contempt proceedings and, if they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of attempt of delivery, so that the parties, at a later point of time, will not take a plea that she is not aware of the order.

7. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Secretary to Government,
   The State of Tamil Nadu,
   School Education Department,
   Secretariat, Fort. St. George, Chennai - 600 009.

2. The Director of School Education,
   D.P.I. Compound, College Road, Chennai - 600 006.

3. The Finance Adviser and Chief Accountant Officer (Audit),
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4. The Chief Educational Officer (C.E.O.),
   Presidency School Campus, Egmore, Chennai - 600 008.

5. The Headmistress,
   Government Girls Higher Secondary School,
   Ashok Nagar, Chennai - 600 083.

+1cc to Mr.C.Johnson, Advocate SR.NO..9332
+1cc to The Government Pleader SR.NO..9214

AKM/15.03.21/3P-8C/ W.P.No.3319 of 2021
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