

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.NO.16267 OF 2010

1. E.Munirathinam
2. S.Ramasami
3. K.V.Palani Ramalingam
4. S.Kandasamy
5. M.Lalitha
6. G.Malarkodi
7. P.Amarjothy Radhabai
8. G.Thadavamoorthi
9. A.Palani
- 10.A.Lalitha

... Petitioners

-vs-

1. The Director of School Education,
College Road, Madras - 6.
2. The Chief Educational Officer,
Vellore, North Arcot,
Ambedkar District.

... Respondents

Prayer :

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to grant and sanction the increments for acquiring the higher qualification of M.Ed by considering the letter of the second respondent bearing No.Na.Ka.N.2112/A4/09 dated 23.06.2009 and the representation of the petitioners.

For Petitioners : Mr.R.Ramesh
For Respondents : Mr.S.Sureshkumar
Government Advocate

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O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the first respondent to grant and sanction the increments for acquiring the higher qualification of M.Ed. by considering the letter of the second respondent bearing No.Na.Ka.N.2112/A4/09 dated 23.06.2009 and the representation of the petitioners.

2. These petitioners were working as Tamil Pandit, Grade-II, or Secondary Grade Assistant long years back at the respondent department. While they were in service, they acquired higher qualification of B.Ed and M.A. degree. Insofar as the higher qualification of M.A., they acquired, it seems that, they have been given incentive increment, however, subsequently when they acquired another qualification i.e., M.Ed., the second incentives were not given. Therefore, in this regard, these petitioners even though retired from service on superannuation, have given representations through the proper channel i.e., Head Master concerned, where lastly worked, at various dates i.e., 21.04.2009 to 06.10.2009. Since those representations have not been taken up for consideration, the Petitioners have joined together and filed this Writ Petition.

3. Heard, Mr.R.Ramesh, learned counsel appearing for the petitioners who submits that, since the representation individually given, since has not been considered so far, it may be directed to be considered and order to that effect, may be directed to be passed on merits within a time frame and in that case, the petitioners would be satisfied.

4. Mr.S.Sureshkumar, learned Government Advocate appearing for the respondents would submit that, since these petitioners retired long back, whether they are entitled to get second incentives for higher qualification which they acquired is a question. However since they have made representations long back and since those representations have not been considered, order to that effect would be passed on merits within a time frame.

5. The learned Government Advocate would also submit that, the representations since claimed to have been given long years back, the copy of the representations given by each of the petitioners may also be annexed along with the copy of this order, so that the respondents can act upon quickly within a time frame to be indicated. Considering the innocuous prayer sought for now and taking into account the said submission made by the learned counsel for the parties, this Court is inclined to pass the following orders:

"(i) That the respondents are hereby directed to consider the representations of the petitioners, seeking second incentives for higher qualification, given between 21.04.2009 to 06.10.2009 and orders to that effect shall be passed by the respondents on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(ii) Enabling the respondents to act upon within the time frame as indicated above, the copies of the representations given by the petitioners, shall be annexed along with the copy of this order and on receipt of the same, the respondents shall act upon as indicated above."

6. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vji

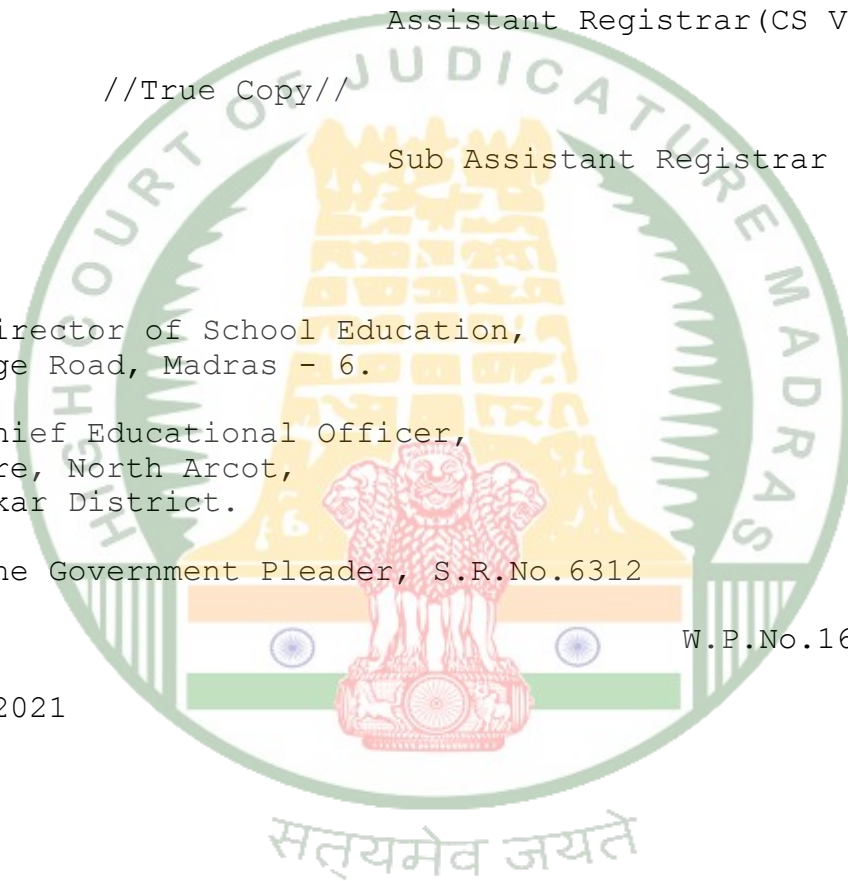
To

1. The Director of School Education,
College Road, Madras - 6.
2. The Chief Educational Officer,
Vellore, North Arcot,
Ambedkar District.

+1cc to the Government Pleader, S.R.No.6312

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RSI (CO)
CS/12/03/2021



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