

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.02.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3873 of 2021
(Heard through VC)

M.Mohamed Abdullah

.. Petitioner

-vs-

1.The Secretary to Government,
Department of School Education,
Fort St. George,
Chennai - 600 009.

2.The Director of School Education,
O/o. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Chennai District,
Presidency Girls Hr. Sec. School Campus,
Egmore, Chennai - 600 008.

.. Respondents

Prayer: Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 28.01.2020 and consequently direct the respondents to sanction the third incentive increments to the petitioner from the date of acquiring Ph.D. in education.

For Petitioner : Mr.M.Ravindhar

For Respondents : Mr.P.Raja
Government Advocate

O R D E R

The petitioner has come up with this writ petition seeking a direction to the respondents to consider the petitioner's representation dated 28.01.2020 and consequently direct the respondents to sanction the third incentive increments to the petitioner from the date of acquiring Ph.D. in education.

2. Mr.P.Raja, learned Government Advocate takes notice on behalf of the respondents.

3. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

4. The case of the petitioner is that the petitioner is working as Head Master at Arignar Anna Government Higher Secondary School, Chennai. He has been appointed as PG Teacher on 05.02.1992. He obtained first incentive increment for qualifying M.Ed., and subsequently has obtained second incentive increment on 09.01.2005 for qualifying M.Phil. The petitioner has been granted conditional promotion to pursue Ph.D. (Education) in Thanjai Tamil University and has acquired Doctorate in Education on 17.12.2019. According to the petitioner, he is eligible and entitled to get third incentive increment in the next promotional post as per G.O.Ms.No.1023 dated 09.12.1993. Hence, the petitioner has made a representation dated 28.01.2020 to the second respondent requesting to grant third incentive increment in the next promotional post for acquiring Ph.D. But, till date, no order has been passed on his representation. Hence, the petitioner is constrained to file this writ petition.

5. Considering the facts and circumstances of this case, if the Petitioner's representation is already pending with the authorities concerned and, not disposed of earlier, this Court directs the respondent concerned to consider the representation of the petitioner dated 28.01.2020, if he is otherwise eligible 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 four months from the date of receipt of a copy of this order. The petitioner shall appear for personal hearing on the specified date fixed by the respondents either physically or virtually or he shall send a written submission through registered or speed post, which can be treated as a personal hearing. In case the petitioner fails either to appear in-person or submit his written submission, there is no bar for the respondents to pass orders on the representation based on the available documents before him and the petitioner, at a later point of time, cannot take a plea that opportunity of hearing was not afforded.

6. The petitioner shall furnish his phone number, email ID, if any, etc., along with a copy of the representation dated 28.01.2020 and this order, to the respondent concerned forthwith. The respondent concerned is directed to communicate the decision taken on the application, 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 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 he is not aware of the order.

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

Sd/-

Assistant Registrar(C.O.)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 2.The Director of School Education,
O/o. The Director of School Education,
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Chennai - 600 006.
- 3.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Chennai District,
Presidency Girls Hr. Sec. School Campus,
Egmore, Chennai - 600 008.

+1cc to Mr.M.Vijayanand, Advocate Sr.No.11286

+1cc to The Government Pleader Sr.No.11116

akm/01.04.21 /3p-6c/

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