



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20981 of 2021
(Through Video Conferencing)

V.Suganthi

... Petitioner

Vs

- 1.State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of School Education,
DPI Campus, College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Ranipet District, Ranipet.
- 4.The District Educational Officer,
Ranipet Education District, Ranipet. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to sanction incentive increment to the petitioner for having acquired M.Sc.(Maths) Degree from the date of her appointment in the post of B.T.Assistant (Maths) in G.V.C Higher Secondary School, Arcot, without reference to the passing of Teacher Eligibility Test (TET).

For Petitioner	: Mr.G.Sankaran
For Respondents	: Mr.L.S.M.Hasan Fizal Government Advocate

ORDER

The petitioner has already given a representation dated 01.10.2020 for granting of incentive increment for possessing higher qualification. The respondents have however denied the same on the ground that the petitioner should not have requisite TET qualification.



2. It is the case of the petitioner that the petitioner was appointed before Right of Children to Free and Compulsary Education Act, 2009 was enacted.

3. The learned counsel for the petitioner submits that the issue is now squarely covered by the following decision of this Court:

(i) Mrs.D.Raja Malar Vs The State of Tamil Nadu, Represented by the Principal Secretary, Department of School Education, Chennai and others, passed in W.P(MD).Nos.8313, 8317 & 8319 of 2020 dated 30.07.2020.

(ii) R.Sasikala and another Vs The Government of Tamil Nadu, Represented by its Secretary to Government, Chennai and others passed in W.P(MD).Nos.17518 & 17519 of 2020 dated 14.06.2021.

(iii) M.Velayutham Vs The Director of School Education, Chennai and others, passed in W.P.Nos.23999 & 24003 of 2019 dated 29.07.2021.

4. The learned Government Advocate for the respondents submits that the Government has taken a policy decision to stop giving incentive increments. The learned Government Advocate has drawn attention to G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 wherein, the decision to grant incentive increment has been done away. He further refers to G.O.Ms.No.116, Personnel and Administrative Reforms (FR-IV) Department dated 15.10.2020 wherein, it has been clarified the date from which the Government Order in G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 came in to force. These Government Orders have come in to force for the period after G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 was issued.

5. Considering the fact that the petitioner was otherwise entitled to incentive increments in the light of the above decisions cited, this writ petition is allowed by directing the respondents to grant incentive increments to the petitioner in terms of G.O.Ms.No.116, Personnel and Administrative Reforms (FR-IV) Department dated 15.10.2020 as clarified by G.O(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020.

6. If the petitioner was otherwise eligible for such incentive increments, the respondents shall grant incentive increments to the petitioner. In any event, the petitioner is directed to file a fresh representation in the light of the above Government Orders within a period of thirty days from the date of receipt of a copy of this order.

7. If such representation is given by the petitioner, the respondents shall consider and dispose the same positively



within a period of eight weeks thereafter considering the content of the aforesaid Government Orders and the orders passed by this Court cited above.

8. This Writ Petition is allowed with the above observations. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Secretariat, Chennai - 600 009.
- 2.The Commissioner of School Education,
DPI Campus, College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Ranipet District, Ranipet.
- 4.The District Educational Officer,
Ranipet Education District, Ranipet.

+1CC to M/s.G.Sankaran, Advocate SR.No.51408
+1CC to Government Pleader, SR.No.51583

W.P.No.20981 of 2021

PMK(CO)
B.VC(28/10/2021)