



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Writ Petition No.35074 of 2019
and
W.M.P.No.35864 of 2019

(Through Video Conferencing)

M.Anthoni

.. Petitioner

vs.

1. The Government of Tamil Nadu
Rep.by its Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
4. The District Educational Officer,
Polur, Thiruvannamalai District.
5. The Correspondent,
Dominic Savio Higher Secondary School,
Chetpet, Tiruvannamalai District 606 801. .. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, call for the records relevant to the proceedings dated 16.05.2019 in Na.Ka.No.2172/A5/2019 passed by the 4th respondent and quash the same as illegal, improper, unreasonable, arbitrary against the principles of the natural justice and thereby and direct the respondents herein to sanction and pay incentive increments to the petitioner for possessing M.A., and M.Ed., degree in the light of G.O.Ms.No.83 dated 28.04.2017 within a period fixed by this Court.



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For Petitioner : M/s.N.Elumalai
For Respondents : Mr.LSM.Hasan Fizal
Government Advocate.

O R D E R

The petitioner, a teacher of the 5th respondent School has filed this writ petition for the following relief:

"To call for the records relevant to the proceedings dated 16.05.2019 in Na.Ka.No.2172/A5/2019 passed by the 4th respondent and quash the same and direct the respondents to sanction and pay incentive increments to the petitioner for possessing M.A., and M.Ed., degree in the light of G.O.Ms.No.83 dated 28.05.2017 within a period fixed by this Court."

2. It is the case of the petitioner that the petitioner is entitled for the relief in terms of G.O.Ms.No.83 dated 28.04.2019 for incentive increments. The 5th respondent has now filed a counter affidavit wherein in para 9 it is stated that the petitioner had submitted a single page letter to the 4th respondent to pay incentive increment directly. According to the 4th respondent, the petitioner has to submit the application through the 5th respondent, as it is the competent authority to sanction the incentive increment to the petitioner,

3. In view of the same, the petitioner is directed to route the application through the 5th respondent to the 4th respondent. The 4th respondent shall thereafter pass appropriate orders on merits, within a period of eight weeks from the date of receipt of this order. Such application/representation through the 5th respondent shall be forwarded to the 4th respondent, within a period of 10 days from the date of this order.

4. This writ petition is disposed with the above observation. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

kkd



To

1. The Secretary to Government,
School Education Department,
Fort St.George,
Chennai 600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
4. The District Educational Officer,
Polur, Thiruvannamalai District.
5. The Correspondent,
Dominic Savio Higher Secondary School,
Chetpet, Tiruvannamalai District 606 801.

+1cc to Mr.N.Elumalai, Advocate, S.R.No.37271
+1cc to the Government Pleader, S.R.No.38081

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PCH(CO)
HS(19/08/2021)