



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. (MD) No.6809 of 2021

WEB COPY

J.Arul Jothi

...Petitioner

Vs.

1. The Chief Educational Officer,
Chief Education Office,
Trichy.
2. The District Educational Officer,
Manaparai Education District,
Trichy District.
3. The Block Educational Officer,
Manikandam Block,
Trichy District.
4. The Correspondent,
St. Joseph Primary School,
Punganur, Manikandam Union,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 2nd respondent to grant incentive increments for petitioner's higher qualification on the basis of the recommendation of the 4th respondent dated 04.09.2019 & 27.10.2020, considering the petitioner's representations dated 04.09.2019 and 01.02.2021, which is pending with the 2nd respondent.

For Petitioner : Mrs.L.Victoria Gowri.

For Respondents : Mr.A.Thiyagarajan,
Government Advocate

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Mandamus to direct the 2nd respondent to grant incentive increments for petitioner's higher qualification on the basis of the recommendation of the 4th respondent dated 04.09.2019, by considering her representation dated 01.02.2021, which is pending with the 2nd respondent.

2. The case of the petitioner is that she is qualified in D.T.Ed and she joined the service as a Secondary Grade Teacher with effect from 31.01.2001 in the 4th respondent School. Thereafter, she completed B.Sc. during the year 2000-2003, B.Ed. during 2010-2011



and M.Sc. during 2013-2015, after getting prior permission from the Secretary of the School Management. Hence, she applied for incentive increment for her higher qualification, on 04.09.2019, which was forwarded by the Secretary of the School Management to the Block Educational Officer, who in turn forwarded the same to the District Educational Officer. Since no order was passed, the petitioner has sent another application dated 01.02.2021. Even thereafter, till date, no order has been passed. Hence, the present writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that it would suffice for the petitioner, if the respondents are directed to consider the application made by her on 01.02.2021.

4. With regard to the grant of advance increment for higher qualification, the Government issued a G.O.Ms.No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, wherein, it is stated that the cases of Government servants, who have acquired higher qualification prior to issue of this general order and not sanctioned with advance increments be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance Department.

5. In view of the above, I am inclined to issue a direction to the respondents to consider the petitioner's application dated 01.02.2021, in the light of G.O.Ms.No.37, dated 10.03.2020

6. Accordingly, the Writ Petition is disposed of, directing the respondents to consider the petitioner's representation dated 01.02.2021 in the light of G.O.Ms.No.37, dated 10.03.2020 and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (RTI ACT)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

<https://hcservices.ecourts.gov.in/hcservices/>



To

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RK(10.05.2021) 3P 5C