



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.6866 of 2021

S.Nagavalli

... Petitioner

Vs.

1.The District Educational Officer,
Melur District Educational Office,
Melur, Madurai District.

2.The Block Educational Officer,
Madurai West Block Educational Office,
Anaiyur, Madurai - 625 017.

3.The Secretary,
Rajaji Middle School (Aided),
Meenambalpuram,
Madurai - 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st and 2nd respondents to consider the petitioner's application dated 03.10.2020, which was forwarded by the 3rd respondent, in the light of the common judgment dated 10.12.2020 passed in W.P.(MD)Nos.18120, 18126 and 18139 of 2020 (Batch)" and Judgment dated 10.02.2021 passed in W.P.(MD)No.2428 of 2021 passed by this Court and grant two Incentive increments (i.e., four advance increments) to the petitioner for having acquired higher qualifications of B.Ed., and M.A., degrees from the last dates of concerned degree examination and disburse arrears of salary before 31.03.2021 or within the time limit to be fixed by this Court.

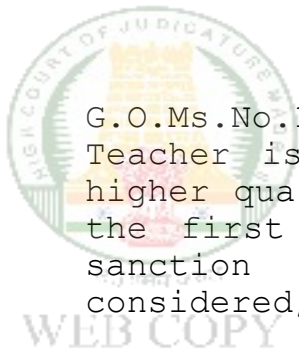
For Petitioner : Mr.Thirumurthy.A

For Respondents : Mr.N.Shanmugaselvam,
Addl. Govt. Pleader for R1 & R2.

ORDER

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

2.The petitioner was appointed as Secondary Grade Teacher on 15.09.2020 in Raja Dhanalakshmi Middle School (Aided), Madurai and thereafter, the petitioner was transferred to the third respondent school on 12.04.2007 and the petitioner is working in the third respondent school till now. The petitioner completed B.Ed., degree course in December 2016 as well as M.A.(Tamil) degree course in June 2019. The Government issued G.O.Ms.No.42 dated 10.01.1969 and



G.O.Ms.No.1032, dated 09.12.1993 stating that a Secondary Grade Teacher is eligible for two advance increments, when he acquires higher qualification. Hence, the petitioner made an application to the first respondent through the second and third respondent to sanction two incentive increments. Since the same is not considered, the present writ petition has been filed.

3.The learned counsel for the petitioner drew the attention of this Court to G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. In the said G.O., in paragraph 6(vi), it has been held that in the case 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.

4.In the light of the above observations and considering the limited prayer, the respondents are directed to consider the petitioner's application dated 03.10.2020 within a period of twelve weeks from the date of receipt of a copy of this order.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl Side)

// True Copy //

/ /2021

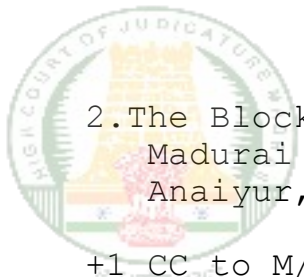
Sub Assistant Registrar(CS)

ias

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.

To:

- 1.The District Educational Officer,
Melur District Educational Office,
Melur, Madurai District.



2.The Block Educational Officer,
Madurai West Block Educational Office,
Anaiyur, Madurai - 625 017.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-13634[F]
dated 25/03/2021)

+1 CC to M/s.SPL GP (SR-13899[F] dated
26/03/2021)

**W.P (MD) No. 6866 of 2021
25.03.2021**

na (CO)
KK(26.03.2021) 3P 5C