



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.6899 of 2021

P.Krishnammal

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The District Educational Officer,
Batlagundu Education District,
Batlagundu,
Dindigul District.

4.The Secretary,
N.S.V.V. Girls Higher Secondary School,
Pattiveeranpatti,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to sanction the two advance Incentive Increment to the petitioner for acquiring her higher qualification of B.Ed., degree with effect from her eligibility ie.,29.12.2012, by considering the proposal of the fourth respondent dated 12.11.2020 within the time stipulated by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents 1 to 3 : Mr.A.Thiyagarajan
Government Advocate

O R D E R

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

2.This writ petition has been filed seeking for the issuance of Writ of Mandamus to direct the third respondent to sanction the two advance Incentive Increment to the petitioner for acquiring her higher qualification of B.Ed., degree with effect from her eligibility ie.,29.12.2012, by considering the proposal of the fourth respondent dated 12.11.2020.



3.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 26.03.2002 in the 4th respondent School. Thereafter, she completed B.Lit., and B.Ed., degree during July 2012, after getting prior permission from the Secretary of the School Management. Hence, she applied for incentive increment for her higher qualification, 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 come up with the present writ petition.

4.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 the petitioner.

5.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.

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

7.Accordingly, the Writ Petition is disposed of, directing the respondents to consider the petitioner's representation and the proposal of the fourth respondent dated 12.11.2020, 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 (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR



To

1.The Director of School Education,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The District Educational Officer,
Batlagundu Education District,
Batlagundu,
Dindigul District.

+1 CC to M/s.SPL GP (SR-14095[F] dated 29/03/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-14199[F] dated 29/03/2021)

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26.03.2021

mmp(05.05.2021) 3P 6C