



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.[MD]No.6898 of 2021

C.Selvam

...Petitioner

Vs.

1.The Secretary to Government,
School Education Department,
St. Fort George, Secretariat,
Chennai - 600 006.

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

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

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

5.The Secretary,
N.S.V.V. Boys 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 fourth respondent to sanction and disburse forthwith the Incentive Increment for the petitioner's higher qualification of M.A. Degree (History) with effect from the date of his eligibility from namely November 2011 as per the Government Order in G.O.[Ms].No.83, School Education Department ((EE)1(2)) dated 28.04.2017, by considering the petitioner's representation dated 22.01.2021 and 19.03.2021, within the time stipulated by this Court.

For Petitioner
For Respondents 1 to 4

:Mr.J.Lawrance
: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 fourth respondent to sanction and disburse forthwith the Incentive Increment for the petitioner's higher qualification of M.A. Degree (History) with effect from the date of his eligibility namely November 2011 as per the Government Order in G.O.[Ms].No.83, School Education Department ((EE)1(2)) dated 28.04.2017, by considering the petitioner's representation dated 22.01.2021 and 19.03.2021, within the time stipulated by this Court.

3.The case of the petitioner is that he is qualified in D.T.Ed and he joined the service as a Secondary Grade Teacher with effect from 14.04.2002 in the 5th respondent School. Thereafter, she completed M.A., degree during 2011, after getting prior permission from the Secretary of the School Management. Hence, he applied for incentive increment for his higher qualification dated 22.01.2021 and 19.03.2021. 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 applications made by the petitioner dated 22.01.2021 and 19.03.2021.

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 applications dated 22.01.2021 and 19.03.2021, 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 representations dated 22.01.2021 and 19.03.2021, 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

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To:

- 1.The Secretary to Government,
School Education Department,
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Chennai - 600 006.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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- 4.The District Educational Officer,
Batlagundu Education District,
Batlagundu, Dindigul District.

+1 CC to M/s.SPL GP (SR-14093[F] dated 29/03/2021)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-14266[F] dated 29/03/2021)

+1 CC to M/s.J.LAWRANCE, Advocate (SR-14198[F] dated 29/03/2021)

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RP (25.05.2021) P 8C