



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. [MD]No.6925 of 2021

R.Balavadivel

... Petitioner

Vs.

- 1.The Joint Director of School Education,
D.P.I. Complex,
College Road,
Nungambakkam,
Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.
- 3.The District Educational Officer,
Office of the District Educational Officer,
Batlagundu, Dindigul District.
- 4.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 Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent vide his proceedings in A.Thi.Mu.No.2126/Aa3/2019, dated 07.02.2020 and quash the same as illegal and consequently directing the respondents 1 to 3 herein to grant Incentive Increment to me for acquiring Higher Qualification of M.Com., (Commerce), with effect from December, 2009 within the time stipulated by this Court and for other reliefs.

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 Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the third respondent vide his proceedings in A.Thi.Mu.No.2126/Aa3/2019, dated 07.02.2020 and quash the same as illegal and consequently directing the respondents 1 to 3 herein to grant Incentive Increment to the petitioner for acquiring Higher Qualification of M.Com., (Commerce), with effect from December, 2009.

3.The case of the petitioner is that he completed B.Com., and he joined the service as a Lab Technician with effect from 05.08.1991, in the 4th respondent School. Thereafter, he completed B.A., and M.Com., degree during the year 2002 and 2009, respectively and thereafter completed B.Ed., also, after getting prior permission from the Secretary of the School Management. Hence, he applied for incentive increment for his 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. The third respondent / District Educational Officer, vide his impugned order dated 07.02.2020, returned the said proposal by stating that the petitioner did not get prior permission from respondents 1 to 3 to pursue M.Com. Hence, the 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 dated 29.06.2015 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 dated 29.06.2015, 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 dated



29.06.2015 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 (P AND A)

WEB COPY

TRUE COPY

/05/2021

SUB ASSISTANT REGISTRAR (CS)

MR

To

- 1.The Joint Director of School Education,
D.P.I. Complex,
College Road,
Nungambakkam,
Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.
- 3.The District Educational Officer,
Office of the District Educational Officer,
Batlagundu, Dindigul District.

1CC TO MR.N. DILIP KUMAR, ADVOCATE SR 14260

1CC TO MR.J.LAWHARANCE, ADVOCATE SR 14200

1CC TO THE SPL GOVT PLEADER SR 14092

TR

03/05/2021

3P/7C

W.P. [MD]No.6925 of 2021

26.03.2021