



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8123 of 2021

WEB COPY

Suresh Kumar

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Backward Classes, Most Backward Class and
De-notified Communities and Minorities Welfare,
Secretariat,
Saint George Fort, Chennai - 9.

2.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Finance,
Secretariat,
Sanit George Fort,
Chennai.

3.The Commissioner/the Director,
Most Backward and De-notified Communities
Welfare Department,
Ezhilagam,
Chennai - 600 005.

4.The Joint Director,
Kallar Reclamation,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent herein to sanction the incentive increments to the petitioner for obtaining the higher qualification Degrees from the date of acquisition of the said qualification based on the proposal of the fourth respondent.

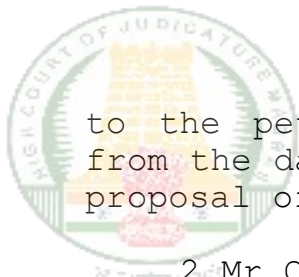
For Petitioner : Mr.G.Chandrasekar

For Respondents : Mr.C.M.Mari Chelliah Prabhu
Additional Government Pleader

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus,
directing the third respondent to sanction the incentive increments

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



to the petitioner for obtaining the higher qualification Degrees from the date of acquisition of the said qualification, based on the proposal of the fourth respondent.

2.Mr.C.M.Mari Chelliah Prabhu, learned Additional Government Pleader accepts notice on behalf of the respondents.

3.By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

4.According to the petitioner, he was working as a B.T Assistant at Government Kallar Higher Secondary School, Muthaiyanchettipatti, Theni District. The petitioner had sought for permission to pursue higher studies, viz., M.Phil, by way of applications through proper channel before the fourth respondent from the year 2016, but his applications were rejected. However, the petitioner had paid fees to the Institution and completed the course without affecting the duty time. Hence, he made another application for getting permission by ratifying earlier order. Subsequently, the fourth respondent, vide proceedings dated 05.11.2020, obtained proposals and sent a ratification proposal to the third respondent recommending to issue ratification order by accepting the explanation of those Teachers, who had studied M.Phil without permission, as there is a cut-off date of 31st March, 2021 fixed by the Government. Since there was no progress in the proposal, the petitioner has come out with the present Writ Petition.

5.Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents.

6.Considering the facts and circumstances of the case, without deciding the issue on merits, the third respondent is directed to consider the proposal of the fourth respondent, for sanction of incentive increments to the petitioner, if he is found eligible and pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



ps

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

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Madurai.

+1 CC to M/s.G.CHANDRASEKAR, Advocate (SR-16900[F] dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16943[F] dated 21/04/2021)

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