



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)No.309 of 2017

and

C.M.P(MD)No.3141 of 2017

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Chennai - 09.
- 2.The District Elementary Educational officer,
Educational Officer,
Tiruchirappalli.
- 3.The Assistant Elementary Educational Officer,
Thottiyam. ... Appellants/Respondents

Vs.

M.Akilandeswari ... Respondent/Petitioner

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 01.11.2016 made in W.P(MD)No.20941 of 2016 on the file of this Court.

Prayer in WP(MD). 20941/ 2016 :

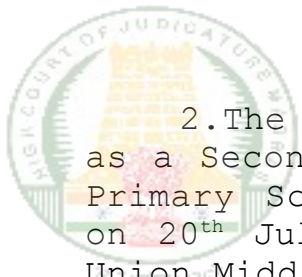
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 2nd respondent to sanction 2 increment for the further qualification of M.A. degree and B.Ed., degree of the petitioner.

For Appellants	: Mrs.S.Srimathy
	Special Government Pleader
For Respondent	: Mr.N.Mohan

JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

The Writ Appeal is preferred by the Government against the directions issued by this Court in W.P(MD)No.20941 of 2016, dated 01.11.2016.



2.The respondent, who was the writ petitioner, was appointed as a Secondary Grade Elementary School Teacher in Panchayat Union Primary School at Thirumanickampatti, Thogamalai Panchayat Union on 20th July, 1999. Thereafter, she was transferred to Panchayat Union Middle School, Kidaram Village.

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3.It is stated that the respondent had obtained B.A Degree in Tamil Literature, after obtaining permission from the authority and completed the same in the year 2000 from Madras University. Though she had joined the Master Degree in Tamil from Manonmaniam Sundaranar University in the year 2000, she had completed the Degree only in the year 2012 by writing the arrear examinations. In the meanwhile, the respondent had also completed her B.Ed Degree in the year 2012 as a days scholar. As she had obtained two Degrees namely, M.A (Tamil) as well as B.Ed., she claims two increments. As the same was not given, she had sought for a Writ of Mandamus before this Court and the same was allowed based on the decision of the Division Bench of this Court in W.A(MD)No.867 of 2014, dated 18.09.2014. The said order of the Division Bench was based on G.O.Ms.No.42, which recognized the rights of the parties when they acquire their qualification, they are entitled to increments.

4.The said proposition is not disputed by the appellants herein and the same was also recorded by the learned Single Judge. In the light of the said Judgment in W.A(MD)No.867 of 2014, the Writ Petition was allowed directing the appellants to sanction two increments for the respondent for having acquired higher qualifications of M.A and B.Ed Degree.

5.The contention of the appellants is that the higher qualification acquired by the respondent are simultaneous Degrees and therefore, she cannot claim incentive increment is unsustainable, because though M.A Degree course was joined by the respondent in the year 2000, she completed the same by writing her arrear examinations in the year 2012. It is also admitted that she had completed B.Ed Degree examination only in the year 2012. Therefore, by no stretch of imagination, it can be stated that both the courses were simultaneous as the M.A., course was completed in the year 2002 and the respondent had completed the Degree only in the year 2012.

6.In view of the above, the objection of the appellants is not sustainable. Hence, the order passed by the learned Single Judge is confirmed and the appellants are directed to sanction two increments that the respondent is entitled to, for having acquired higher qualification of M.A and B.Ed Degree and grant her two increments within a period of eight weeks from the date of receipt of a copy of this order.



7. With the above direction, the Writ Appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (AS)

// 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

1. The Secretary to Government of Tamil Nadu,
Department of School Education,
Chennai - 09.
2. The District Elementary Educational officer,
Educational Officer,
Tiruchirappalli.
3. The Assistant Elementary Educational Officer,
Thottiyam.

+1 CC to SPL GP (SR-12530[F] dated
19/03/2021)

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