



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.19334 of 2017

V.Arul Selvaraj

.. Petitioner

Vs

1.The Secretary to Government,
Department of School Education,
Secretariat,
Fort St.George,
Chennai-600 009.

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

3.The District Educational Officer,
Tenkasi,
Tirunelveli District-627 811.

4.The Correspondents,
Punitha Arulappar Higher Secondary School,
Avudayanoor,
Tenkasi Taluk,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to give third incentive increments to the petitioner for possessing higher qualification of M.Phil in the light of the G.O.(MS).No.1170 Education Science & Technology Department dated 20.12.1993, G.O.(ID) No.209 School Education (A1) Department dated 08.07.2010 and G.O.Ms.No.15 dated 28.3.2013 within a stipulated time as may be prescribed by this Court.

For Petitioner : Mr.M.Shema Daniel

For Respondents 1 to 3 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For Respondent No.4 : No appearance

O R D E R

This petition has been filed, seeking to direct the respondents to give third incentive increments to the petitioner for possessing higher qualification of M.Phil in the light of the G.O.(MS).No.1170



Education Science & Technology Department dated 20.12.1993, G.O.(ID) No.209 School Education (A1) Department dated 08.07.2010 and G.O.Ms.No.15 dated 28.3.2013 within a stipulated time as may be prescribed by this Court.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Assistant Teacher in the 4th respondent school with effect from 01.09.1980 and he was promoted as B.T. Assistant in the year 1982. Again, he was promoted as Headmaster in the same school and thereafter, retired from service on attaining superannuation on 31.5.2017. During his service, he acquired two increments in the year 1987 for higher education qualification, namely, M.A. Sociology and M.Ed. The Post Graduate Teachers are eligible to be awarded with an incentive increment for higher qualification, namely, M.Phil/Ph.D/P.G.D. Since the petitioner was passed M.Phil in the year 2007, he is eligible for 3rd incentive increment as per G.O.Ms.No.1170 Education, Science & Technology Department, dated 20.2.1993. In order to avail such benefit, the petitioner made a representation on 16.08.2017. Since the same was not considered, this writ petition has been filed by the petitioner.

3. Learned counsel for the petitioner would submit that it would suffice, if this Court directs the respondents to consider the petitioner's representation dated 16.8.2017 at the earliest point of time.

4. Per contra, the learned Additional Government Pleader would submit that as per G.O.Ms.No.18, Labour and Employment(Q1) Department, dated 18.01.2013 only 2 incentive increments is permissible for the employees and the third increment is not permissible. He would further submit that without challenging the said Government Order, filing this writ petition is not maintainable.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 to 3 and perused the materials available on record.

6. The fact in the present case is not in dispute. Admittedly, the petitioner entered into service in the year 1980 and retired from service in the year 2017. During his service he acquired two increments for acquiring higher education in the year 1987. After retirement, the petitioner made representation to get the third incentive increment for his higher qualification, ie., M.Phil acquired in the year 2007. However, as per G.O.Ms. No.18, Labour and Employment(Q1) Department, dated 18.01.2013, the petitioner is not entitled for third incentive increment. Hence, the prayer sought for in this writ petition cannot be granted.



7. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Department of School Education,
Secretariat,
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Chennai-600 009.

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

3.The District Educational Officer,
Tenkasi,
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+1 CC to M/s.SPL GP (SR-11979[F] dated 17/03/2021)

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RK(13.05.2021) 3P 5C