



W.P.No.4348 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.4348 of 2018
and
W.M.P.No.5346 of 2018

M.Geetha

...Petitioner

-Vs-

The Additional Assistant Elementary
Educational Officer,
Uthukuli, Erode District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the respondent in Na.Ka.No.1134/A2/2017 dated 28.11.2017 and quash the same and direct the respondent to restore the pay fixation as existed prior to the issue of the impugned order and grant her all consequential benefits.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.M.Shahjahan
Special Government Pleader



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ORDER

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The petitioner herein was initially appointed as a Secondary Grade Teacher on 27.01.1999. Thereafter, she was promoted as a Primary School Headmistress on 12.10.2009 and as B.T. Assistant on 08.08.2016. The petitioner, having completed the B.Ed degree in the year 2015, was awarded with an incentive increment on 02.11.2016, with effect from 12.12.2015. Through the impugned proceedings dated 28.11.2017, the award of incentive increment has been cancelled on the sole ground that she had undertaken her B.Ed degree without prior permission of the department.

2. The learned counsel for the petitioner drew attention of this Court to the proceedings of the respondent herein passed in Na.Ka.No.291/A.2/2017 dated 02.11.2016, which clearly evidences that the B.Ed degree obtained by the petitioner was approved by the department from 12.12.2015 onwards.

3. The learned Special Government Pleader appearing for the respondent, on instructions, submitted that the petitioner had not got any permission from the concerned authority for pursuing her higher studies.



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4. The said submission made by the learned Special Government Pleader seems to be factually incorrect, in view of the proceedings of the respondent dated 02.11.2016. On this ground, the impugned order cannot be sustained.

5. Furthermore, there is one more infirmity in the impugned order. While ordering for cancellation of the incentive increment awarded, no opportunity was given to the petitioner to give her explanation with regard to the proposed cancellation of the incentive increment awarded to her. Hence, the order itself would be in violation of the principles of natural justice and on this ground also, the impugned order cannot be sustained.

6. For all the foregoing reasons, the impugned order dated 28.11.2017 is quashed. Consequently, the respondents herein shall pass appropriate orders, restoring the incentive increment already awarded to the petitioner for obtaining the B.Ed degree, within a period of four (4) weeks from the date of receipt of a copy of this order.



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M.S.RAMESH,J.

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7. Accordingly, the writ petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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Index:Yes/No

Speaking order/Non-speaking order

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To

The Additional Assistant Elementary
Educational Officer,
Uthukuli, Erode District.

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