



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.14965 of 2019

WEB COPY

A.Francina Rita Achary

... Petitioner

vs.

1.The State of Tamil Nadu
rep.by its Secretary to Government
School Education Department
Fort.St.George, Secretariat
Chennai-600 009

2.The Additional Elementary Education Officer
Kumbakonam

3.The Block Educational Officer
Muthupillai Mandapam
Kumbakonam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the proceedings dated 22.02.2019 in Na.Ka.No.208/A1/2019 of the 2nd respondent and to quash the same and consequently direct the respondents to forthwith grant two incentive increments to the petitioner in her post as Secondary Grade Teacher from the date when she acquired the additional qualification.

For Petitioner : Ms.AL.Ganthimathi

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader

O R D E R

The order dated 22.02.2019, passed by the second respondent, declining the request of the petitioner for grant of incentive increment on the ground that she had not obtained prior permission for acquiring additional educational qualification is under challenge in this writ petition.

2. The learned Additional Government Pleader appearing for the respondents, relying on the counter affidavit filed by the third respondent, made a submission that the petitioner has not obtained any prior permission for the purpose of acquiring additional educational qualification and therefore, she is not eligible for incentive increment.



3. More so, the petitioner herself in Paragraph No.3 of the affidavit has stated that she completed her postgraduation in M.Ed. Degree during the academic year 1996-1998 and M.A.Economics in May, 2000 and retired from service in the year 2011. However, the petitioner has not stated anywhere that she acquired the additional educational qualification only after obtaining prior permission from the Competent Authority.

4. The third respondent, in her counter affidavit, has clearly stated that the petitioner acquired M.A.(Economics) and M.Ed., qualification while she was working in Little Flower Aided Primary School and the petitioner has not obtained prior permission to undergo higher studies. Further, the petitioner was appointed as Secondary Grade Teacher on the basis of the graduate qualification, but without Teacher Training qualification, which is a mandatory qualification. Hence, the petitioner cannot compare with another Teacher, namely, Sivakumar, who was sanctioned incentive increment. Even if such increment is sanctioned under wrong interpretation, such irregular sanction will be cancelled. Hence, the petitioner cannot take shelter on the ground that irregular incentive increment was sanctioned to some other candidates.

5. This Court is of the considered opinion that a wrong order would not provide any right to the other person to claim the similar benefits. The eligibility of the candidate to claim such a benefit is to be ascertained. In the present case, the petitioner has not established that she has acquired additional educational qualification after getting prior permission from the Competent Authority. Per contra, the third respondent, in her counter affidavit, has clearly stated that the petitioner has not obtained any such prior permission and therefore, the petitioner is not entitled for grant of incentive increment and there is no infirmity as such in the impugned order passed by the second respondent.

6. Accordingly, the writ petition is dismissed. No costs.

Sd/-

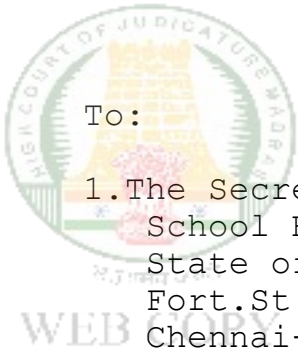
Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

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To:

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

2.The Additional Elementary Education Officer,
Kumbakonam.

3.The Block Educational Officer,
Muthupillai Mandapam,
Kumbakonam.

+1 CC to M/s.AL.GANTHIMATHI, Advocate (SR-12654[F] dated 17/03/2022)

+1 CC to M/s.SPL GP (SR-12471[F] dated 16/03/2022)

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SVS (CO)

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