



W.P.(MD) No.17743 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.17743 of 2021
and W.M.P.(MD).No.14657 of 2021

R.Mahalakshmi

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Virudhunagar District,
Collectorate Campus,
Virudhunagar.

3.The District Educational Officer,
Virudhunagar,
Virudhunagar District.

4.The Secretary,
S.H.N.Ethel Harvey Girls Higher Secondary School,
Railway Feeder Road,
Sattur,
Virudhunagar District.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to



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issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent vide O.Mu.No.3889/A5/2020, dated 23.03.2021 and quash the same and consequently, direct the 3rd respondent to grant incentive increment to the petitioner for having completed Post Graduate Diploma in Yoga as per the Government Order vide G.O. (MS).No.177, School Education [Pa.Ka. 5(2)] Department, dated 13.10.2016, within time frame.

For Petitioner : Mr.Shanmugaraja Sethupathi

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

The petitioner's request for grant of incentive increment for having Post Graduate Diploma in Yoga as contemplated under G.O.(MS).No.177, School Education [Pa.Ka. 5(2)] Department, dated 13.10.2016, came to be rejected by the third respondent herein through the impugned order, dated 23.03.2021, on the sole ground that such Higher Education was undergone by the petitioner during her maternity leave period and hence, she is not eligible for such incentive increment.



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2. Admittedly, there are no regulations putting an embargo for claiming incentive increment to a Teacher for having pursued her Higher Education during the period of maternity leave. The learned Special Government Pleader on instructions ratifies such position also.

3. In the absence of any such regulations to refuse the incentive increment to a Teacher, who has pursued her Higher Education during her maternity leave period, the reasoning adopted in the impugned order, cannot be sustained.

4. Accordingly, the impugned order passed by the 3rd respondent vide O.Mu.No.3889/A5/2020, dated 23.03.2021, is hereby quashed. Consequently, there shall be a direction to the fourth respondent to forthwith pass orders, granting incentive increment to the petitioner for having completed Post Graduate Diploma in Yoga, as per the Government Order vide G.O.(MS).No. 177, School Education [Pa.Ka. 5(2)] Department, dated 13.10.2016, within a period of four weeks from the date of receipt of a copy of this order.



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WEB COPY 5. This writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order/ Non Speaking Order

TM

To

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M.S.RAMESH,J.

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