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W.P.No.15506 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No. 15506 of 2016

T.Kalaimathi

... Petitioner

Versus

1.The Principal Accountant General,
Office of the Accountant General(A&E),
No.361, Anna Salai,
Teynampet, Chennai-600 018.

2.The Chief Educational Officer,
Udayarpalayam,
Ariyalur District.

3.The District Educational Officer,
Udayarpalayam,
Ariyalur District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, prays to issue a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 21.09.2015 to grant third set of incentive increments for M.phil., Degree and fix the pension to that effect and based on that confer all the constitutional benefits to the petitioner, in the light of the orders of this Court in W.P.No.19044 of 2008 and W.A.No.154 of 2009 and in the light of G.O.(2D).No.15, School Education Department dated 28.03.2013 and G.O.(1D).No.352, School Education Department dated 16.12.2013.



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For Petitioner : M/s.S.Ambigapathy
For Respondents 1 : Mrs. Hema Muralikrishnan
For Respondent 2 & 3 : Mr.M.S.Prem Kumar
Government Advocate

ORDER

This writ petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to consider the petitioner representation dated 21.09.2015 to grant third set of incentive increments for M.phil., Degree and fix the pension to that effect and based on that confer all the constitutional benefits to the petitioner, in the light of the orders of this Court in W.P.No.19044 of 2008 and W.A.No.154 of 2009 and in the light of G.O.(2D).No.15, School Education Department dated 28.03.2013 and G.O.(1D).No.352, School Education Department dated 16.12.2013.

2. The case of the petitioner is that she had completed her B.Sc (Botany) degree in the year 1973 and B.Ed in 1983 and she had also completed M.Sc (Botany) in the year 1991 and M.Phil (Botany) in Education in 2008. The petitioner has been appointed as Graduate Teacher at Government High School on 04.11.1981. Subsequently, she has been



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promoted as Head Mistress in the year 2009 at Government Higher Secondary School, Sannasinallur, Ariyalur District. The petitioner made representations to the respondents regarding third set of incentive increment in view of her completion of M.phil Course. The petitioner subsequently retired from service on 31.05.2011. Placing reliance on G.O(2D)No.15 dated 28.03.2013 and G.O(1D).No.352 dated 16.12.2013 and also orders of this Court in W.P.No.19044/2008 and W.A.No.154/2009 dated 11.08.2008 and 23.09.2010 respectively, the petitioner seeks for issuance of a Writ of Mandamus to direct the respondents to favourably consider her representation for third set of incentive increment.

3. The 3rd respondent has filed a counter. Though the factual averments set out in the affidavit filed in support of the writ petition are not denied, in so far as the third set of incentive increment is concerned, the respondents state that the petitioner is not entitled for more than two incentive payment. So far as the reliance placed on the G.O.s is concerned, the respondents state that the said two G.O.s should be read along with G.O.Ms.No.1024, Edn (Sci & Tech) Dept dated 19.12.1993 in and by which amendments were issued to G.O.Ms.No.42, Edn Dept dated 10.01.2009.



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7. Accordingly, this writ petition is dismissed. No costs.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order
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To

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P.B.BALAJI, J.,

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