



W.P.No.7993 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.7993 of 2021
and W.M.P.No.8553 of 2021

A.Shanmugasundari

...

Petitioner

/vs/

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

2. The Director of Elementary School,
DPI Compound, College Road,
Chennai – 6.

3. The District Educational Officer,
Tindivanam,
Villupuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the entire records relating to the impugned order passed by the third respondent in her



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proceedings O.Mu.No.3209/B2/2020 dated 04.11.2020 and quash the same and consequently directing the respondents to sanction the Second Incentive to the petitioner for her acquired higher qualification of M.Phil.

For Petitioner ... Mr.C.Prakasam
For Respondents ... Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Writ Petition has been filed to call for the entire records relating to the impugned order passed by the third respondent vide proceedings O.Mu.No.3209/B2/2020 dated 04.11.2020 and quash the same and consequently directing the respondents to sanction the Second Incentive to the petitioner for securing higher qualification of M.Phil.

2. The petitioner was appointed as Secondary Grade Teacher on 26.08.1999 and at the time of appointment she secured M.A., B.Ed., degree. During the year 2018, she completed M.Phil degree. Before completing M.Phil degree, the petitioner was receiving the first incentive increment. Since the petitioner had completed M.Phil degree, it is her



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claim that she thought that she is entitled for a second incentive. So, she made a representation before the third respondent and the third respondent vide proceedings O.Mu.No.3209/B2/2020 dated 04.11.2020 rejected the petitioner's representation by stating that the petitioner was working as Secondary Grade Teacher from the date of appointment. Aggrieved over that, the present Writ Petition has been filed.

3. Mr.C.Prakasam, learned counsel for the petitioner submitted that the third respondent failed to consider that as per G.O.(D) No.18, School Education Department, dated 18.01.2013 and G.O.Ms.No.42, Education Department, dated 10.01.1969, by which the school teachers are eligible to get incentive, if they secure higher educational qualification.

4. Mr.T.Arunkumar, learned Additional Government Pleader, submitted that there is no provision for sanctioning incentive increment for acquiring higher qualification of M.Phil degree to Secondary Grade Teachers; the sanction of second set of incentive increment for M.Phil degree is applicable only to B.T.Assistants and not to Secondary Grade



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Teacher; the petitioner, being a Secondary Grade Teacher, cannot claim the second set of incentive increment.

5. This Court had held in W.P.Nos.15624 & 15626 of 2020 dated 06.11.2023, that the similarly placed persons like the petitioner who are Secondary Grade Teachers have been granted with the benefits of special incentive. The relevant paragraphs of the said order is extracted hereunder:

“ 5. It is seen from the above Government Order that the said action has been taken consequent to the direction issued by the Madurain Bench of this Court in W.P.(MD) No.3117 of 2008 dated 29.09.2010. The petitioners are also similarly placed, like the petitioner in W.P.(MD) No.3117 of 2008. In view of the principle of equality under Article 14 of the Constitution of India, the same benefit is applicable to the petitioners and hence the second respondent is directed to pass appropriate orders in the light of G.O.Ms.(3D) No.13, School Education Department, dated 06.02.2015.”

Hence, I feel the respondents may be directed to consider the petitioner's request and pass appropriate orders by taking into account of the above order.



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6. Accordingly, this Writ Petition is disposed and the respondents are directed to pass appropriate orders in view of the order passed by this Court in W.P.Nos.15624 & 15626 of 2020 dated 06.11.2023 within a period of six weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

16.11.2023

Index: Yes / No

Speaking order / Non-speaking order

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To:

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R.N.MANJULA ,J.

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