



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.10215 of 2020

A.Balasundaram

... Petitioner

Vs.

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

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

3.The Chief Educational Officer,
Ranipet District, Ranipet.

4.The District Educational Officer,
Ranipet Educational District,
Ranipet District.

5.The Assistant Treasury Officer,
Sub Treasury,
Sholinghur Taluk, Ranipet District.

... Respondents

PRAYER : This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to sanction incentive increment in



respect of M.Phil. degree in Tamil acquired by the petitioner as per G.O.Ms.No.1170, Education, Science and Technology Department dated 20.12.1993 from the next date of acquisition of degree i.e.,31.07.2017 based on the proposal forwarded by Headmaster of Sholingur Government Boys Higher Secondary School in Na.Ka.No.150/2017 dated 05.12.2017 with all consequential and other attendant benefits including arrears of salary, within a time framed to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Sanjai Gandhi, GA

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the respondents to sanction incentive increment in respect of M.Phil. degree in Tamil acquired by the petitioner as per G.O.Ms.No.1170, Education, Science and Technology Department dated 20.12.1993 from the next date of acquisition of degree i.e.,31.07.2017 based on the proposal forwarded by Headmaster of Sholingur Government Boys Higher Secondary School in Na.Ka.No.150/2017 dated 05.12.2017 with all consequential and other attendant benefits including arrears of salary, within a time framed to be fixed by this Court.



2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Sanjai Gandhi, learned Government Advocate for the respondents.

3. The petitioner who has been appointed as P.G.Assistant has finished his M.Phil degree at Karaikkudi Alagappa University by obtaining proper permission. For acquiring higher qualification, the petitioner is entitled to incentive increment. Despite various Government Orders have been issued for sanctioning incentive increment for additional qualification, the third respondent did not consider the representation of the petitioner.

4. The learned counsel for the petitioner submitted that similarly placed persons have been given with incentive increment for their additional qualification by getting M.Phil degree from the same University. In support of the above contention, he produced the proceedings of the Additional Chief Executive Officer, Sivagangai District dated 13.03.2019.



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5. The learned Government Advocate appearing for the respondents submitted that G.O.Ms.No.91, Higher Education (K2), dated 03.04.2009 had declared that M.Phil / Ph.D degrees obtained through the correspondence / distance education / open university system are ineligible for government appointments and appointment as Lecturers in College / Universities including self financing college.

6. But, the case of the petitioner is not a case for appointment. It is for the purpose of seeking special incentive on acquisition of higher degree which is in vogue and several persons have availed the benefit in pursuant to various Government Orders issued in this regard. Since the petitioner had done M.Phil degree by obtaining proper permission and there are also Government Orders which permits incentive increment, it is appropriate on the part of the third respondent to consider the representation of the petitioner and pass appropriate orders on par with the benefits granted to other similarly placed persons within a period of six weeks.



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7. With the above observations, this Writ Petition is disposed and the third respondent is directed to consider the representation of the petitioner and pass appropriate orders on par with the benefits granted to other similarly placed persons within a period of six weeks from the date of receipt of a copy of this order. No costs.

14.12.2023

Index : Yes

Internet : Yes/No

gsk

To

1.The Principal Secretary to Government,
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Secretariat, Fort St.George,
Chennai 600 009.

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

3.The Chief Educational Officer,
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Ranipet District.

5.The Assistant Treasury Officer,
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R.N.MANJULA, J.

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