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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.15624 & 15626 of 2020

W.P.No.15624 of 2020

K.Natarajan

...

Petitioner

versus

1.The Director of School Education,
College Road, Chennai - 6.

2.The District Educational Officer,
Myladuthurai.

3.The Block Educational Officer,
Thirumarugal Union,
Nagapattinam.

4.The Secretary,
Matheria Aided Elementary School,
P.Konthagai, Thirumarugal Union,
Nagapattinam.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the second respondent in Na.Ka.No.1926/Aa2/2018, dated 09.03.2020 and quash the same and consequently direct the respondents to sanction two sets of incentive increment to the petitioner for acquiring M.A., and M.Ed degrees with all consequential benefits.



W.P.No.15626 of 2020

J.Mary Emelda

...

Petitioner

versus

1.The Director of School Education,
College Road, Chennai - 6.

2.The District Educational Officer,
Nagapattinam.

3.The Block Educational Officer,
Nagapattinam.

4.The Secretary,
St.Anthony's Elementary School,
Nagapattinam.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the second respondent in Na.Ka.No.3768/Aa4/2018, dated 12.06.2020 and quash the same and consequently direct the respondents to sanction two sets of incentive increment to the petitioner for acquiring M.A., and M.Phil degrees with all consequential benefits.

For Petitioner : Mr.S.N.Ravichandran
[in both W.Ps]

For Respondents : Mr.G.Nanmaran
[in both W.Ps] Special Government Pleader



COMMON ORDER

The petitioners have filed these petitions seeking for a writ of Certiorarified Mandamus, calling for the records relating to the impugned orders made in Na.Ka.No.1926/Aa2/2018, dated 09.03.2020 and Na.Ka.No.3768/Aa4/2018, dated 12.06.2020 passed by the second respondent and quash the same and consequently, direct the respondents to sanction two sets of incentive increment to the petitioners for acquiring M.A., M.Ed degrees and M.Phil degrees with all consequential benefits respectively.

2. Heard Mr.S.N.Ravichandran, learned counsel for the petitioners, Mr.G.Nanmaran, learned Special Government Pleader for the respondents and perused the materials available on record.

3. The petitioners, who joined as Secondary Grade Teachers have filed these petitions seeking special incentive for their higher qualification. However, their entitlement for special incentive was rejected by the second respondent *vide* his impugned proceedings dated 09.03.2020 and 12.06.2020 on the ground that the individuals who appointed as Secondary



Grade Teachers are not eligible to get special incentive for the over qualification and they had given undertaking to this effect at the time of appointment itself.

4. Mr.S.N.Ravichandran, learned counsel for the petitioners submitted that the undertaking is only in respect of the higher qualification which the petitioners possessed at the time of appointment. By virtue of the subsequent Government Order in G.O.Ms.No.(3D) No.13, School Education Department, dated 06.02.2015, the Government has considered the higher qualification of the Secondary Grade Teacher, after she joined service and hence she is eligible for the special incentive.

5. It is seen from the above Government Order that the said action has been taken consequent to the direction issued by the Madurai 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.No.(3D) No.13, School Education Department, dated 06.02.2015

within a period of six weeks.

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6. In the result, these Writ Petitions are allowed and the second respondent is directed to pass appropriate orders in the light of G.O.Ms.No.(3D) No.13, School Education Department, dated 06.02.2015 within a period of six (6) weeks from the date of receipt of a copy of this order. No costs.

06.11.2023

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri



To

- 1.The Director of School Education,
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Myladuthurai.
- 3.The District Educational Officer,
Nagapattinam.
- 4.The Block Educational Officer,
Thirumarugal Union,
Nagapattinam.
- 5.The Block Educational Officer,
Nagapattinam.
- 6.The Secretary,
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R.N.MANJULA, J.

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