



W.P(MD)No.18570 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD).No.18570 of 2021

D.Santhi Ponnammal

...Petitioner

Vs.

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

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

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

4.The District Educational Officer,
Kovilpatti,
Thoothukudi District.

5.The Secretary,
Parvathi High School,
Eluppaiurani,
Kovilpatti,



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Thoothukudi District.

...Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order of the 4th respondent vide O.Mu.No. 8383/A3 2020, dated 02.07.2021 and consequently direct the 8th respondent to forward the proposal in respect of the petitioner's incentive increments for having acquired Post Graduate Diploma in Yoga to the 3rd and 4th respondents and direct the 3rd and 4th respondents to approve the same, within the time frame to the petitioner.

For Petitioner	: Mrs. M.Maria Vinola
For respondents	: Mr.N. Ramesh Arumugam R1 to R4
For 5 th respondent	: No appearance

ORDER

This Writ Petition has been filed to call for the records relating to the impugned order of the 4th respondent vide O.Mu.No.8383/A3 2020, dated 02.07.2021 and consequently direct the 8th respondent to forward the proposal in respect of the petitioner's incentive increments for having acquired Post



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Graduate Diploma in Yoga to the 3rd and 4th respondents and direct the 3rd and 4th respondents to approve the same, within the time stipulated by this Court.

2. Heard the learned counsels appearing on either side and perused the materials available on record.

3. The petitioner herein was appointed as Physical Education Teacher in the 5th respondent school on 01.06.1994. Her service was subsequently regularized on 31.05.1996. On her completion of 10 years of service on 08.06.2004, she was granted with Selection Grade and Special Grade was granted on 01.06.2014. In the year 2017, she obtained her Post Graduate Diploma in Yoga and on attaining the age of superannuation she retired from service on 31.03.2019. Since the petitioner has passed P.G. Diploma in Yoga she is entitled for incentive increment as per the Government Orders for possessing higher educational qualification. The government issued G.O.Ms.No.177, School Education (S.E.5(2) Department, dated 13.10.2016. Hence, the petitioner made a representation to the 4th respondent on 25.04.2020 for grant of incentive increment. On considering the same, the 4th respondent passed an impugned order, dated 02.07.2021



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rejecting the petitioner's representation on the ground that she did not seek prior permission from the Secretary of the 5th respondent for obtaining higher qualification. Challenging the same, this Writ Petition came to be filed.

4. Mr.N.Ramesh Arumugam, the learned Government Advocate appearing on behalf of the respondents 1 to 4 produced the G.O.Ms.No.37, Personnel and Administrative Reforms (FR IV), dated 10.03.2020 and submitted that the respondents would consider the representation of the petitioner only in terms of the said G.O. Clause 6(vi) of the said G.O is extracted as follows:

“ 6...

vi) The cases of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance Department. If no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held / degree acquired. "



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5. In view of the said Government Order, this Court is inclined to quash the impugned order, dated 02.07.2021 and remit the matter back to the 4th respondent. The 4th respondent is directed to consider the representation of the petitioner in the light of the G.O.Ms.No.37, dated 10.07.2020 within a period of 12 weeks from the date of receipt of a copy of this order. The 5th respondent is also directed to give fresh proposal along with necessary document to the 4th respondent with immediate effect.

6. Accordingly, this Writ Petition is allowed. No costs.

28.07.2023

Index : Yes / No
Internet : Yes/ No
trp



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To

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L.VICTORIA GOWRI, J.,

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