



W.P.(MD).No.17713 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**DATED : 14.08.2023**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD)No.17713 of 2023**

K.P.Sindhu

... Petitioner

Vs.

1.The Chief Educational Officer,  
Nagercoil,  
Kanyakumari District.

2.The District Educational Officer,  
Thiruvattar,  
Kanyakumari District.

3.The Correspondent,  
St. Mary's Higher Secondary School,  
Melpalai – 629 152,  
Kanyakumari District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to sanction the incentive increment for completing M.A in Malayalam and the annual increments entitled to the petitioner by considering the proposal resubmitted by the third respondent School, dated 28.06.2023 within a time frame fixed by this Court.



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For Petitioner : Mr.S.C.Herold Singh  
For RR 1 & 2 : Mr.N.Ramesh Arumugam  
Government Advocate

**ORDER**

The present Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to sanction the incentive increment for completing M.A in Malayalam and the annual increments entitled to the petitioner by considering the proposal resubmitted by the third respondent School, dated 28.06.2023 within a time frame fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2 and perused the materials available on record.

3.The third respondent School is a Corporate Management Minority School. The petitioner joined in the said School on 19.07.2010 as B.T Assistant Malayalam. The services of the petitioner were approved on 24.02.2011. The petitioner cleared the departmental test for Tamil in May 2016. Even before joining the said employment, the petitioner completed M.A in the year 2006. However, an incentive



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Increment pursuant to the same was not granted to her. There was a delay in opening the service register in the name of the petitioner, and the same was opened in the year 2016. Thereafter, a claim was made by the third respondent on 02.11.2018 claiming incentive increment on behalf of the petitioner for completing M.A (Malayalam) and the said proposal was forwarded to the second respondent. However, the said proposal was returned on 21.12.2018 with a direction to resubmit the same by explaining the delay caused in presenting the said proposal. Duly complying with the necessary details, the said proposal was represented on 07.06.2019. Citing the same reason, the proposal was once again returned in July 2019. Thereafter, along with the entire particulars of the service register of the petitioner, on 20.07.2020, the third respondent resubmitted the proposal before the second respondent for consideration. Thereafter, it was further returned back and finally with all necessary details, the proposal was resubmitted on 24.09.2022. Again the said proposal was returned on 17.03.2023 seeking an explanation for the prolonged delay. The third respondent School along with appropriate explanation has represented the proposal finally on 28.06.2023 and the same is pending before the second respondent for consideration. Hence, this Writ Petition came to be filed.



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4.Considering the limited scope of the prayer sought for in the Writ Petition, this Court, without expressing any opinion with regard to the merits of the claim made in the Writ Petition, directs the second respondent to consider the proposal which was resubmitted by the third respondent on 28.06.2023 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of.  
There shall be no order as to costs.

**14.08.2023**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
ps



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**L.VICTORIA GOWRI, J.**

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