



W.P.(MD)No.4219 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4219 of 2018
and
W.M.P(MD)No.4359 of 2018

L.Christal Jeya

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Kanyakumari District.
- 4.The District Educational Officer,
Kuzhithurai, Kanyakumari District.
- 5.The Correspondent,
M.M.K.M.High School,
Varuthattu – 629 172,
Kanyakumari District.

... Respondents



W.P.(MD)No.4219 of 2018

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the fourth respondent herein in A.thi.mu.No.5812/A3/2017 dated Nil.10.2017, quash the same and further direct the 4th respondent herein to sanction and disburse incentive increments to the petitioner for acquiring higher qualification of M.A. Degree from the date of initial appointment.

For Petitioner : Mr.E.V.N.Siva
For R-1 to R-4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order passed by the fourth respondent herein in A.thi.mu.No.5812/A3/2017 dated Nil.10.2017 and to direct the fourth respondent herein to sanction and disburse the incentive increment to the petitioner for acquiring higher qualification of M.A., Degree from the date of initial appointment.

2. The case of the petitioner is that she is working as a Secondary Grade Teacher in the fifth respondent school, which is a private aided



W.P.(MD)No.4219 of 2018

WEB COPY

school governed by the provisions of the Tamil Nadu Private Schools Regulation Act and Rules. Initially, the petitioner was appointed on 22.01.2004 in M.J.K.M.M.S.C Higher Secondary School. Subsequently, she was deployed to the fifth respondent school. The petitioner was appointed with B.A & B.Ed., qualifications and the same was approved by the respondents. Subsequently, while the petitioner was in service, she possessed M.A., qualification. Seeking incentive increment for acquiring M.A., Degree, the petitioner made a representation and the fifth respondent has also forwarded a proposal on 06.10.2017, to the fourth respondent for sanctioning incentive increment in terms of G.O.Ms.No.1024(Education, Science and Technology Department), dated 09.12.1993. However, the fourth respondent returned the said proposal and denied the incentive increment to the petitioner by way of a non-speaking order directing the fifth respondent to follow the procedure contemplated in G.O.Ms.No.394(School Education (D2) Department, dated 12.09.1997. Challenging the same, the present writ petition is filed with the aforesaid prayer.



W.P.(MD)No.4219 of 2018

WEB COPY

3. The learned counsel appearing for the petitioner would submit that G.O.Ms.No.394, dated 12.09.1997, relates to approval of Secondary Grade Teachers with B.Ed., qualification and the same is nothing to do with the sanction of incentive increment for Secondary Grade Teacher appointed with B.Ed., qualifications. However, the fourth respondent has mechanically returned the proposal sent by the fifth respondent school, which is not sustainable one and prays for allowing of this writ petition.

4. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

5. A perusal of the impugned order shows that without assigning any valid reason, the fourth respondent has mechanically rejected the request of the petitioner and passed a non-speaking order, which is not allowed to be continued and therefore, the impugned order deserves to be set aside.



W.P.(MD)No.4219 of 2018

WEB COPY

6. Accordingly, this writ petition is allowed and the impugned order passed by the fourth respondent dated Nil.10.2017, is set aside and the matter is remanded back to the fourth respondent for passing a speaking order on merits and in accordance with law. Such exercise shall be completed, within a period of six weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

09.02.2023

PM

NCC:Yes/No

Index:Yes/No

To:

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education, Fort St. George, Chennai – 600 009.
- 2.The Director of School Education, College Road, Chennai – 600 006.
- 3.The Chief Educational Officer, Kanyakumari District.
- 4.The District Educational Officer, Kuzhithurai, Kanyakumari District.

5/6



WEB COPY



W.P.(MD)No.4219 of 2018

M.DHANDAPANI, J.

pm

W.P.(MD)No.4219 of 2018

09.02.2023