



W.A.(MD) No.2042 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD) No.2042 of 2023
and
C.M.P.(MD) No.16283 of 2023**

- 1.The District Elementary Educational Officer
Madurai District, Madurai
 - 2.The Assistant Elementary Educational Officer
T.Vadipatti, Madurai District
- ... Appellants

-vs-

- 1.V.Chandra Pushpam
 - 2.The President
Kamarajar Middle School
Sholavandhan
T.Vadipatti Taluk
Madurai District
- ... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 25.08.2021, passed in W.P.(MD) No.2345 of 2017, on the file of this Court.



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For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondents : Mr.K.Bala Subramanian for R1

J U D G M E N T

[Judgment of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.D.Sadiq Raja, learned Additional Government Pleader, appearing for the appellants and Mr.K.Balasubramanian, learned counsel for the first respondent / writ petitioner.

2. The first respondent / writ petitioner has challenged the communication dated 29.11.2016, wherein the relief sought for by her was not approved and she was not granted the benefit of incentive increment. The learned Single Judge allowed the writ petition.

3. Learned Additional Government Pleader submits that the leave was not obtained with due permission from the Management of the School and the Government had not approved the same.



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4. The learned Single Judge observed that the eligibility of the first respondent to get incentive increment and to get leave salary for the period she underwent B.Ed. course after getting permission from the management, is not disputed. The case of the present appellants is that the first respondent did not obtain leave from the Secretary of the School. The incentive increment is to be granted on acquiring higher qualification. The same is not the debatable issue.

5. The learned Single Judge, considering the entire gravamen of the matter, passed the following order:

“6.Having regard to the facts narrated and discussed above, this Court is inclined to dispose of the writ petition in the following lines:

(i)This Writ Petition is allowed and the impugned order passed by the second respondent, dated 29.11.2016 is quashed. The second respondent is directed to grant incentive increment to the petitioner for having acquired B.Ed., degree, within a period of twelve weeks from the date of receipt of a copy of this order.

(ii)However, it is open to the second respondent to hold an enquiry with regard to the genuineness of the certificates produced by the petitioner to get incentive



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increment. In case, if it is found that the petitioner has produced a bogus or the certificate produced by the petitioner is not genuine, this order directing the respondent to grant incentive increment can be ignored.

(iii)The second respondent is directed to approve 182 days leave taken by the petitioner to study B.Ed., course from 11.02.2010 to 04.04.2012. No costs.”

6. We do not find any error in the Judgment of the learned Single Judge.

7. The writ appeal, accordingly, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.V.G., .C.J.]

[L.V.G., J.]

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NCC : Yes / No
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