



W.P(MD)No.21677 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.10.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21677 of 2023

K.Kalingarani

... Petitioner

Vs.

- 1.The District Education Officer
(Elementary Education),
O/o. The District Educational Office,
Thanjavur,
Thanjavur District.
- 2.The Block Educational Officer,
O/o. The Block Educational Officer,
Thirupanandal Range,
Thanjavur District.
- 3.Aided Primary School,
Represented by its Secretary,
Kadiramanagalam,
Thirupanandal Range,
Thanjavur District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to forward the proposal to the 2nd respondent for grant of Special Grade and restoration of incentive increment and consequently to direct the 2nd respondent to award Special Grade w.e.f., 11.09.2022 on



W.P(MD)No.21677 of 2023

completion of 20 years of service in the cadre of Secondary Grade Teacher and incentive increment and pay the arrears thereon in terms of order passed by the 2nd respondent in his proceedings in Oo.Mu.No. 1495/A2/2022, dated 18.07.2023 by considering the petitioner's representation, dated 28.08.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
M/s.Ajmal Associates

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

For R3 : Mr.G.Karnan

ORDER

The present writ petition has been filed seeking a Mandamus to direct the 3rd respondent to forward a proposal to the 2nd respondent for the purpose of awarding Special Grade with effect from 11.09.2022.

2. The petitioner herein is working as a Secondary Grade Teacher in the 3rd respondent school and she has been conferred with Selection Grade on 27.11.2012. According to the petitioner, she had acquired M.A., (Tamil) in May 2014. Based upon her higher qualification, she was granted incentive increment by the 2nd respondent on 16.05.2015.



W.P(MD)No.21677 of 2023

3. The petitioner has further stated that on completion of 20 years of service in the cadre of Secondary Grade Teacher, she is entitled to Special Grade. Hence, the 3rd respondent has forwarded the proposal to the 2nd respondent on 04.10.2022.

4. According to the petitioner, after receipt of the said paper, the 2nd respondent found that erroneously incentive increment has been granted to the writ petitioner and has directed the school management to recover the said amount. The management was requested to forward the proposal for conferment of special grade after recovery of the excess amount paid to the writ petitioner. Thereafter, the petitioner made a detailed representation to the 2nd respondent on 12.06.2023 explaining the circumstances under which the incentive increment was granted to the writ petitioner. After accepting the explanation offered by the writ petitioner, the 2nd respondent has chosen to recall his order, dated 31.03.2023.

5. In view of recalling of the order, dated 31.03.2023, the petitioner has sent the second representation on 28.08.2023 to the school management, namely the 3rd respondent. The present writ petition has



W.P(MD)No.21677 of 2023

been filed seeking a direction to the 3rd respondent to forward this proposal to the 2nd respondent, so that she may be conferred with the special grade and to restore the incentive increment.

6. On instructions, the learned Government Advocate appearing for the official respondents submits that the 2nd respondent has in fact passed an order on 18.07.2023 cancelling his order, dated 31.03.2023. Therefore, this Court does not find any impediment for the 3rd respondent school to forward the request of the petitioner, dated 28.08.2023 which is said to have been sent by registered post by the writ petitioner on the same date.

7. In view of the above said facts, the 3rd respondent is directed to forward the representation given by the petitioner on 28.08.2023 to the 2nd respondent with all necessary papers within a period of four (4) weeks from the date of receipt of a copy of this order. Thereafter, the 2nd respondent is directed to pass orders on merits and in accordance with law within a period of eight (8) weeks thereafter.



W.P(MD)No.21677 of 2023

WEB COPY

8. With the above said observations, this Writ Petition stands disposed of. No costs.

09.10.2023

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

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R.VIJAYAKUMAR,J.

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Order made in
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Dated:
09.10.2023