



**W.P.(MD).No.29602 of 2023**

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

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**DATED : 14.12.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.29602 of 2023

and

W.M.P(MD) No.25546 of 2023

K.P.Sindhu

... Petitioner

Vs.

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

2. The District Educational Officer (Secondary)  
Marthandam,  
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, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent pertaining to its proceeding in Na.Ka.No.2759/A2/2023, dated 27.10.2023 and to quash the same and consequently directing the respondents to sanction the incentive increment for completing M.A in Malayalam and the annual increments entitled to the



**W.P.(MD).No.29602 of 2023**

petitioner within a time that may be fixed by this Court.

For Petitioner : Mr. S.C.Herold Singh

For Respondents : Mr.V.Om Prakash  
Government Advocate  
for R1 and R2

### **ORDER**

The present writ petition has been filed by a B.T. Assistant (Malayalam) challenging the order passed by the second respondent, wherein, her request to grant of incentive increments for acquiring Master Degree in (Malayalam) has been rejected.

2. A perusal of the order impugned in the writ petition reveals that the rejection order has been passed primarily on the ground that the petitioner has not passed in Part-II Tamil Examination.

3. A perusal of G.O.(Ms) No.1585, Education (D2) Department, dated 06.10.1987 reveals that as per G.O.(Ms) No. 376, dated 24.03.1986, the Teachers who are teaching classes in linguistic minority languages need not clear Part – II Tamil Examination unless they preferred any administrative



**W.P.(MD).No.29602 of 2023**

post or promotion.

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4. In view of the above said Government Orders, it is clear that there is no prohibition for granting incentive increments for acquiring Post Graduate degree in (Malayalam) even if the petitioner had not cleared Tamil – Part II Examination.

5. In view of the above said facts, the order impugned in the writ petition is set aside and the authorities are directed to confer the incentive increment that is due to the petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above said observations, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**14.12.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes / No  
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**W.P.(MD).No.29602 of 2023**

To

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**W.P.(MD).No.29602 of 2023**

**R.VIJAYAKUMAR,J.**

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