



W.P.No.8152 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No.8152 of 2017

A.Philomina

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.
- 2.The Director of Elementary Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai – 600 006.
- 3.The District Elementary Education Officer,
Nagappattinam, Nagappattinam District.
- 4.The Assistant Elementary Education Officer,
Keezhaiyur, Nagappattinam District.
- 5.St.Sebasthiyar Aided Elementary School,
Represented by its Manager,
Kameswaram East,

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Keezhaiyur Union,
Nagappattinam District – 611 110.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the 4th respondent in AthiMu.No.256/A1/2017, dated 17.03.20217 and quash the same and direct the respondents to award two incentive increment to the petitioner for acquiring higher qualification of M.A. with effect from 29.05.2009 and pass such further orders.

For Petitioner : Mr.R.Vivekanandan
for Mr.r.Subramanian

For Respondents : Mr.V.Manoharan
Additional Government Pleader (Edu.)

ORDER

The petitioner was appointed as Secondary Grade Teacher while she was in possession of BT qualification. At the time of appointment, a condition was prescribed that the petitioner could not claim incentive increment for possessing the degree and B.Ed. qualification.

2. Admittedly, the petitioner obtained the post graduate

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qualifications.

3. The grievance of the petitioner is that even after acquiring higher qualification, viz. the post graduate qualification, she is not given incentive increment. The proposal sent by the fifth respondent school was returned by the third respondent. Hence, she has come up before this Court to quash the order dated 15.12.2015 of the fourth respondent returning the proposal.

4. Heard the learned counsels appearing on either side.

5. This Court passed an order dated 13.10.2014 in W.P.No.7381 of 2007 directing the educational authorities to grant incentive increment in similar case, if the teacher possesses the post graduate qualification. The only bar is that he could not seek incentive increment for degree and B.Ed. Qualification.

6. The learned counsel for the petitioner has also submitted that

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innumerable orders were passed by this Court on the same lines by various learned Judges.

7. The learned Special Government Pleader appearing for the respondents vehemently contended that the petitioner is not entitled for incentive increment for acquiring post graduate degree.

8. In these circumstances, I am of the view that the impugned order is liable to be quashed and accordingly quashed and the matter is remanded back to the third respondent to pass fresh orders in the light of the order dated 13.10.2014 in W.P.No.7381 of 2007, within a period of eight weeks from the date of receipt of a copy of this order.

9. This Writ Petition is disposed of accordingly.

10. There shall be no order as to costs.

14.02.2024

gba

Index : Yes/No

Speaking order : Yes/No

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Neutral Citations : Yes/No

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BATTU DEVANAND,J.

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