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Writ Petition No.29752 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.29752 of 2024

G.Velmurugan M.A., B.Ed

... Petitioner

Vs.

1. The Director of School Education,
College Road, DPI Compound,
Chennai - 6.

2. The District Educational Officer,
Cuddalore - 1.

3. The Secretary,
S.K.V.Higher Secondary School,
Kurinjipadi, Cuddalore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to sanction one set of incentive increment for acquiring higher qualification of M.A Degree with effect from the date of his entry into service, with all consequential and monetary benefits within a time frame fixed by this Court.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [Edn.]
[R1 & R2]



ORDER

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This writ petition has been filed seeking issuance of a writ of mandamus directing respondents to sanction incentive increment for the petitioner for acquiring higher qualification of M.A. degree with effect from the date of entry into service with all consequential and monetary benefits.

2. Heard Mr.S.N.Ravichandran, learned counsel for petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents 1 and 2.

3. The case of the petitioner is that he was appointed as Secondary Grade Teacher on 01.03.2002 on completion of one month child psychology training and his appointment was also duly approved. The further case of the petitioner is that as on the date of appointment, the petitioner possessed qualifications of B.A., M.A. and B.Ed. and therefore, the petitioner is entitled for two stages of increment for acquiring higher qualification of M.A. degree. The representation made by the petitioner in this regard came to be rejected by the respondents. The persons, who were similarly placed like the petitioner, also filed



similar writ petitions in W.P.Nos.30682 and 30684 of 2015. All the three writ petitions were taken up together and a common order was passed on

29.10.2018 by issuing the following directions:

"4. The learned counsel appearing for the petitioners state that the claims of the writ petitioner were rejected in violation of the Government orders in force. Thus, the respondents shall reconsider the case of the writ petitioner for grant of two incentive increments, in the light of the terms and conditions stipulated in the Government order.

5. In the event of not granting increments to the writ petitioners, the same shall be considered based on the Government orders and in the light of the observations made in the judgments (cited supra). In all and other respects, the relief as such sought for to grant incentive increments cannot be considered.

6. Accordingly, these writ petitions are disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed."

4. Pursuant to the above order passed in the writ petition, the relief has been granted to the petitioner in W.P.No.30684 of 2015 through proceedings dated 22.03.2024. Similarly, for the petitioner in W.P.No.30682 of 2015, the relief has been granted through proceedings dated 05.04.2024. Only insofar as the petitioner is concerned, no relief was granted and therefore, the present writ petition has been filed before this Court.



5. When the matter came up for hearing on 15.10.2024, this

WEB COURT passed the following order:

"Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice on behalf of respondents 1 and 2.

2. The learned Special Government Pleader shall take instructions from the respondents with respect to the follow up on the earlier order passed by this Court in W.P.No.30683 of 2015 dated 29.10.2018.

3. The learned counsel for the petitioner submitted that insofar as the other two petitioners are concerned, the order was complied with and the relief was not granted only for the petitioner.

4.Post this case at the end of the motion list on 29.10.2024."

6. When the matter was taken up for hearing, learned Special Government Pleader appearing on behalf of official respondents, submitted that the matter pertaining to incentive increment is now pending before the Division Bench and therefore, the relief was not granted to the petitioner awaiting the final judgment.

7. In the considered view of this Court, the other two writ petitioners in W.P.Nos.30682 and 30684 of 2015 approached this Court with the very same grievance that was expressed by the petitioner.



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Pursuant to the orders passed by this Court, they have been given the relief and the petitioner is being deprived of the same due to pendency of batch of cases relating to incentive increments. What's sauce for the goose is sauce for the gander. Hence, the relief that has been given to the other two writ petitioners must be given to the petitioner also and he cannot be treated differently. There must be consistency in implementation of the order and if the respondents are not inclined to grant the incentive increment they should not have granted for all the three. They cannot pick and choose two petitioners and deprive the same for the other petitioner. Such an attitude does not enure well for the smooth functioning of a system.

8. In the light of the above discussion, this writ petition is disposed of with a direction to respondents 1 and 2 to sanction the incentive increment for the petitioner in line with the relief that was granted to the other two writ petitioners in W.P.Nos.30682 and 30684 of 2015. Necessary proceedings shall be issued in this regard within a period of four (4) weeks from the date of receipt of a copy of this order.



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N.ANAND VENKATESH, J

gm

This writ petition is disposed of with the above direction. No costs.

29.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

gm

To

1. The Director of School Education,
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