



W.P.(MD)No.16057 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.16057 of 2024

T.Jeyapaul

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai District.

2.The District Educational Officer,
O/o.The District Educational Officer,
Aranthangi, Pudukottai District.

3.The Government Girls Hr.Sec.School,
Rep.by the Headmaster,
Manamelkudi, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents and 1 and 2 to sanction incentive increment to the petitioner for acquiring M.Phil (English) Degree qualification completed in the year May 2013 which is prior to G.O.(Ms)No.37 (Personnel and Administrative Reforms (FR-IV) Department) dated 10.03.2020 by considering the petitioner's representation dated 01.07.2024 within time stipulated by this Court.

For Petitioner : Mr.I.Pinaygash



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For Respondents : Mr.M.Siddharthan
Additional Government Pleader

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ORDER

Heard Mr.I.Pinaygash, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.Since the petitioner's representation dated 01.07.2024 seeking incentive increment to the petitioner for acquiring M.Phil (English) Degree qualification completed in the year May 2013 prior to G.O. (Ms) No.37 (Personnel and Administrative reforms (FR-IV)) Department, dated 10.03.2020, has not been considered by the respondents, the petitioner has filed this writ petition.

4.The issue raised in this Writ Petition has been elaborately discussed and covered in the earlier judgment passed in W.P.(MD)No.9519 of 2024, dated 18.04.2024 (*T.Mohandass vs. The Block Education Officer-2 and others*), wherein this Court has analysed as under:



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“8. Therefore, the Government Order in G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, withdrawing the incentive increment has to be read along with the subsequent clarification given in the Government Order in G.O.Ms. 116 Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020, especially in the light of Regulation 6(vi) of G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated, 10.03.2020.

9. The petitioner has been sanctioned with the incentive increment on 18.05.2020 which is subsequent to the issuance of G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated, 10.03.2020. In such case, the order ought to have been passed by the Administrative Department after getting concurrence from the Finance Department.

10. So, it is up to the petitioner to submit his explanation in case he is an awardee of additional increment in accordance with the Regulation 6(vi) of G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and, it is also up to the Administrative Department concerned to rectify its mistake if concurrence has not been obtained from the Finance Department before awarding incentive increment to the petitioner.”

5. Since the petitioner is also similarly placed as that of the petitioner in the above writ petition, following the earlier decision of this Court *supra* (W.P.(MD)No.9364 of 2024 dated 16.04.2024), this writ petition is disposed of. The first and second respondents herein are directed to consider



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the petitioner's representation dated 01.07.2024 in accordance with Regulation 6 (vi) of G.O.Ms.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and also the subsequent clarification issued in G.O.Ms.116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

18.07.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To

- 1.The Chief Educational Officer,
O/o.the Chief Educational Officer,
Pudukottai District.
- 2.The District Educational Officer,
O/o.The District Educational Officer,
Aranthangi, Pudukottai District.
- 3.The Government Girls Hr.Sec.School,
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R.N.MANJULA, J.

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