



W.P.(MD)No.21239 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2024

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THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21239 of 2022

R.Sasi Kumar

... Petitioner

Vs.

The Block Educational Officer,
Thuraiyur,
Thiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondent to consider and pass orders on the petitioner's representation, dated 23.04.2022 to continue to pay the incentive increment to the petitioner for acquiring higher educational qualification of B.Ed degree more particularly within a time frame as fixed by this Court.

For Petitioner : Mr.J.Pooventhera Rajan

For Respondent : Mr.M.Senthil Ayyanar
Government Advocate



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ORDER

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The writ petition has been filed to direct the respondent to pay the incentive increment to the petitioner for acquiring higher educational qualification of B.Ed degree, by considering the petitioner's representation, dated 23.04.2022.

2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher in Panchayat Union Middle School, Ananampatti, Manapparai, Tiruchirapalli District under consolidated pay with effect from 15.10.2004 and he was absorbed into regular time bound pay scale with effect from 01.06.2006. At the time of petitioner's appointment, he possessed HSSLC with DTED. Later, he has acquired B.Lit and B.A (English) degrees. In order to study B.Ed degree, the petitioner sought permission from the respondent and the respondent has also granted permission vide his proceedings in Na.Ka.No. 53/A1/2018, dated 12.01.2018. After completion of B.Ed degree, the petitioner requested respondent to sanction one incentive increment for acquiring higher educational qualification of B.Ed degree. Pursuant thereto, the respondent sanctioned one incentive increment vide his proceedings in Na.Ka.No. 252/A2/2020, dated 10.06.2020 with effect from 06.12.2019. The petitioner



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received the same for only two months and the respondent stopped the increment thereafter without assigning any reasons. Hence, the petitioner sent a representation, dated 23.04.2022 to the respondent seeking for continuation of payment of incentive increment. But the same is not considered till date.

3. Aggrieved by the same, the petitioner has come forward with the present writ petition.

4. The learned counsel for the petitioner submitted that the petitioner has acquired B.Ed. degree in the year 2019 and incentive increment was sanctioned by the respondent vide proceedings in Na.Ka.No.252/A2/2020, dated 10.06.2020, with effect from 06.12.2019, but the petitioner was paid incentive only for two months i.e. August 2020 and September 2020 and was not paid from January 2020 to July 2020.

5. The learned Government Advocate for the respondent drew attention of this Court to Paragraph Nos.4 to 6 of the counter affidavit filed by the respondent and the same is extracted hereunder:

4. I submit that, at the time of his initial appointment in the respondent department, he had possessed HSSLC with DTED. Later the petitioner acquired degree in B.Lit during



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the year 2010 from Annamalai University and B.A. (English) from Manonmaniam Sundaranar University. Then he underwent B.Ed degree course from the Tamil University, Tanjore and completed the same during the year 2019. After completing my B.Ed degree, he obtained the genuineness certificate from the obtained University and submitted the same before the respondent for sanctioning the incentive increment for B.Ed degree.

5. I submitted that in told by G.O.M.S.No.37 dated 10.03.2020 the scheme of advance increment for acquiring higher qualification in all departments was cancelled/dispense with immediate effect (I.e.10.03.2020) subsequently by G.S.M.S.No.116 Personal and Administrative Reforms Department dated 15.10.2020. Certain clarifications was issued by the Government. Accordingly, the government Servants acquired higher qualification prior to the date of issue of G.O.M.S.No.37 dated 10.03.2020 not sanctioned advance increment/not applied for sanctioned advance increment by the Government Department concerned may be examined separates as per Para 6 (VI) of the G.O.M.S.No.37 and appropriate orders to be issued before 31.03.2021 accordingly for writ petitioner submitted her application on instead of forwarding the same to department concern respond him self mistakenly/inadvertly sanctioned the increment to the petitioner by the proceeding dated 10.06.2020 substainly when such mistake was noticed within 2 months the increment sanctioned to the writ petitioner was with held.

6. It is respectful submitted that the case of the petitioner has been submitted to the Finance Department through the District Educational Officer on 10.11.2020 for getting sanction and concurrence of the Finance Department as per the instructions contained in Para 6 (vi) of the G.O.Ms.No.37 Personal and Administrative Reforms Department dated 10.03.2020. The orders of the Government are awaited and after the receipt of the



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Government order the incentive increment will be continued.

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(extracted as such)

6. Heard both sides and perused the materials available on record.

7. In the counter affidavit, it has been stated that the proposal of the petitioner sent to the Finance Department through the District Educational Officer on 10.11.2020 for getting sanction and concurrence of the Finance Department as per the instructions contained in Para 6 (vi) of the G.O.Ms.No.37 Personal and Administrative Reforms Department dated 10.03.2020, but till now no orders have been passed.

8. The petitioner has also given a representation, dated 23.04.2022 to the respondent seeking seeking for continuation of payment of incentive increment for acquiring higher qualification of B.Ed degree, but the same was not considered till date.

9. In view of the above, the respondent is directed to consider the representation of the petitioner, dated 23.04.2022 and pass appropriate orders on merits, in accordance with law and in the light of G.O.Ms.No.116 Perosnnel



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and Administrative Reforms (FR-IV) Department, dated 15.10.2020, within a

period of 8 weeks from the date of receipt of a copy of this order.

10. The writ petition stands disposed of with the above direction. No costs.

14.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

The Block Educational Officer,
Thuraiyur,
Thiruchirapalli District.



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J.SATHYA NARAYANA PRASAD, J.

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