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W.P(MD).No.18825 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.18825 of 2023

and

W.M.P(MD)Nos.15627, 15628 & 20381 of 2023

P.Daisy Vijayarani

... Petitioner

Vs.

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

2.The District Educational Officer,
O/o.the District Educational Officer,
Musiri,
Trichy District.

3.The Block Educational Officer,
O/o the Block Educational Officer,
Uppliyapuram,
Trichy 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 relating to the impugned order passed by the second respondent in his proceedings in ஓ.மு.எண்.3941/அ3/2022, dated 31.05.2022 and the consequential impugned order passed by the 3rd respondent in his proceedings in ஓ.மு.எண்.298/அ2/2022, dated 08.06.2022 and quash the same as illegal and



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consequently to direct the respondents to award Selection Grade w.e.f., 18.02.2022 on completion of 10 years of service in the cadre of B.T Assistant and pay the arrears thereon within the period that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed to call for the records relating to the impugned order passed by the second respondent in his proceedings in ஓ.மு.எண்.3941/ஆ3/2022, dated 31.05.2022 and the consequential impugned order passed by the 3rd respondent in his proceedings in ஓ.மு.எண். 298/அ2/2022, dated 08.06.2022 and quash the same as illegal and consequently to direct the respondents to award Selection Grade w.e.f., 18.02.2022 on completion of 10 years of service in the cadre of B.T Assistant and pay the arrears thereon within the period that may be stipulated by this Court.

2. The petitioner is a B.T Assistant (English) working at Panchayat Union Middle School, Kamatchipuram, Uppliyapuram Union, Trichy District. On completion of ten years of service, she is eligible for Selection Grade in terms of Rule 4 of the Tamil Nadu Revised Scales of Pay Rules, 2009. For



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which the petitioner made a representation to the third respondent requesting to award Selection Grade on completion of 10 years of service in the cadre of B.T Assistant. In response to her representation, the second respondent vide proceedings dated 31.05.2022 returned the proposal stating that the petitioner has been awarded with incentive increment for acquiring M.A (Economics) wrongly. On repayment of the same, selection grade would be considered. Challenging the same and the consequential order passed by the 3rd respondent on 08.06.2022, this writ petition came to be filed.

3. The learned Government Advocate vehemently submitted that the petitioner is not entitled for incentive increment in terms of G.O(Ms)No.301 dated 15.10.1999. Since she has been awarded with incentive increment erroneously, she is not entitled for Selection Grade and on that basis he pressed for dismissal of the writ petition.

4. Per contra, the learned counsel appearing for the petitioner submitted that the grant of incentive increment has nothing to do with the grant of Selection Grade and both are separate aspects which has to be dealt with separately and on that basis, he pressed for allowing the writ petition.

5. It is needless to state that the grant of incentive increment for having acquired higher qualification of M.A(Economics) and grant of Selection



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Grade on completion of 10 years of qualified service for the post of B.T Assistant are entirely separate aspects which has to be dealt with by the Department separately and if at all the Department has granted incentive increment erroneously, they could very well proceed against the petitioner for grant of incentive increment erroneously as against the petitioner separately. But it is fully illegal on the part of the respondents for having denied to grant Selection grade on completion of 10 years service in the cadre of B.T Assistant.

6. In view of the same, the impugned orders are quashed and consequently the respondents are directed to award Selection Grade to the petitioner with effect from 18.02.2022 calculating the completion of 10 years of service in the cadre of B.T Assistant within a period of twelve (12) weeks from the date of receipt of a copy of this order.

7. Accordingly, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

06.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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