



W.P(MD)No.21748 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 31.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.21748 of 2023

and

W.M.P(MD)Nos.18146, 21512 & 18147 of 2023

K.Meenavathi

... Petitioner

Vs.

1.The District Educational Officer
(Elementary Education),
O/o.the District Educational Officer,
Thanjavur,
Thanjavur District.

2.The Block Educational Officer (Unit – I),
O/o.the Block Educational Officer (Unit – I),
Thirupananthal,
Thanjavur District.

3.Pasupathi Aided Middle School,
Represented by its Secretary,
Panthanallur,
Thanjavur,
Thanjavur District.

... Respondents



W.P(MD)No.21748 of 2023

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 O.Mu.No.1264/A1/2022 dated 09.05.2023 and quash the same as illegal and consequentially to direct the respondents to award Special Grade w.e.f., 17.04.2022 on completion of 20 years of service in the cadre of Secondary Grade Teacher and pay the arrears thereon within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar

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 O.Mu.No.1264/A1/2022 dated 09.05.2023 and quash the same as illegal and consequentially to direct the respondents to award Special Grade w.e.f., 17.04.2022 on completion of 20 years of service in the cadre of Secondary Grade Teacher and pay the arrears thereon within the period that may be stipulated by this Court.



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2. The petitioner is a Secondary Grade Teacher working in the third respondent School. While in service she completed M.A (Tamil) by obtaining proper permission from the Department for which she was granted incentive increment with effect from 25.05.2016. On completion of ten years of service in the cadre of Secondary Grade Teacher, she was awarded with Selection Grade with effect from 15.04.2012 and on completion of 20 years of service, she is eligible for Special Grade in terms of Rule 4 of the Tamil Nadu Revised Scales of Pay Rules, 2009. For which the petitioner made a representation to the third respondent requesting to award Special Grade on completion of 20 years of service in the cadre of Secondary Grade Teacher. In response to her representation, the third respondent vide proceedings dated 03.11.2022 forwarded the proposal to the second respondent for approval and grant of Special Grade. However, the second respondent returned the proposal vide impugned proceedings dated 09.05.2023 for the reason that the petitioner has been awarded with incentive increment for acquiring M.A (Tamil) wrongly. Hence, this writ petition came to be filed.



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3. The learned Government Advocate has filed a counter on behalf of the first respondent and vehemently submitted that she is not entitled for intensive 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(Tamil) and grant of Selection Grade on completion of 20 years of qualified service for the post of Special Grade in the cadre of Secondary Grade Teacher are entirely separate aspects which has to be dealt with the Department separately and if at all the Department has granted incentive increment



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erroneously, they could very well proceed against the petitioner for grant of incentive increment as against the petitioner separately. But it is fully illegal on the part of the respondents for having denied to grant Special grade on completion of 20 years service in the cadre of Secondary Grade Teacher.

6.In view of the same, the impugned order is quashed and consequently the respondents are directed to award Special Grade to the petitioner with effect from 17.04.2022 calculating the completion of 20 years of service in the cadre of Secondary Grade Teacher within a period of twelve (12) weeks from the date of receipt of a copy this order.

7. This writ petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

31.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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L.VICTORIA GOWRI, J.

MGA

To

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Thanjavur District.
- 2.The Block Educational Officer (Unit – I),
O/o.the Block Educational Officer (Unit – I),
Thirupananthal,
Thanjavur District.
- 3.The Secretary,
Pasupathi Aided Middle School,
Panthanallur, Thanjavur,
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