



W.A.(MD).No.813 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD).No.813 of 2017
and
C.M.P.(MD).No.5653 of 2017

1.The Director of School Education,
O/o.The Director of School Education,
DPI Compound, College Road,
Chennai.

2.The District Educational Officer,
Office of the District Educational Office,
Thallakulam, Madurai,
Madurai District.

... Appellants

Vs.

1.S.Kasturi Kalyani

2.The Correspondent,
St. Joseph's Girls Higher Secondary School,
Old Kuyavar Palayam,
Madurai,
Madurai District.

... Respondents

Prayer: Writ Appal is filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P.(MD).No.21287 of 2015, dated 08.12.2015.



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For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader
For R1 : Mr.R.Kavin Prasath

J U D G M E N T

(Judgment of the Court was delivered by **V.BHAVANI SUBBAROYAN, J.**)

This writ appeal has been filed against the order of the learned single Judge passed in W.P.(MD).No.21287 of 2015, dated 08.12.2015, wherein the petitioner has sought for issuance of 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.2441/A4/2015, dated 22.05.2015 and to quash the same as illegal and consequently direct the respondents to sanction incentive increment to the petitioner for having acquired M.A., (History) within a period that may be stipulated by this Court.

2. The case of the petitioner is that the third respondent school is a private minority school. It receives grant in aid from the Government. She was initially appointed as Secondary Grade Teacher on 04.06.1993 in the third respondent school and her appointment was also duly approved by the second



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respondent. She qualified with M.A.(History) and B.Ed., and she should be granted incentive increment. For that purpose, the third respondent school sent a proposal dated 28.04.2015, seeking incentive increment. However, the second respondent by his proceedings dated 22.05.2015, refused to sanction incentive increment on the ground that there is no G.O., to grant incentive increment to those who are appointed as Secondary Grade Teacher without D.T.Ed., however with B.A., and B.Ed. Hence, she has filed the writ petition seeking to quash the same and to direct the respondents to sanction incentive increment for having acquired M.A.,(History) and M.Ed. The learned single Judge of this Court allowed the writ petition and directed the respondents to grant incentive increment to the petitioner for the qualification M.A., (History), within a period of eight weeks from the date of receipt of a copy of that order. Challenging the same, the State has filed this writ appeal.

3. The learned Additional Government Pleader appearing for the appellants would submit that the petitioner is entitled to get incentive increment for acquiring M.A.,(History), as per G.O.(3D) No.13, School Education Department, dated 06.02.2015.



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4. Heard the learned Additional Government Pleader appearing for the appellants and the learned counsel appearing for the first respondent/writ petitioner and perused the materials available on record.

5. In view of the submission made by the learned Additional Government Pleader, the writ petitioner is entitled to get incentive increment, as per G.O.(3D) No.13, School Education Department, dated 06.02.2015. Hence, this Writ Appeal is dismissed and the order of the learned single Judge dated 08.12.2015 is confirmed and the appellants are directed to grant incentive increment to the writ petitioner for acquiring the qualification M.A., (History), within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently, the connected Miscellaneous Petition is closed.

[V.B.S.,J.] & [K.K.R.K.,J.]
14.03.2024

akv

To

1. The Director of School Education,
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