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W.P.No.20787 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.20787 of 2024

R.Sujatha

... Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai.

2.The District Educational Officer (Elementary),
Myladuthurai District.

3.The Block Educational Officer,
Kollidam,
Myladuthurai District.

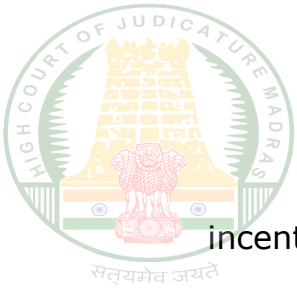
4.Arulmozhi Aided Middle School
Rep. by its Secretary
Mr.Jayaveerapandiyan
Thandavankulam,
Kollidam Block,
Myladuthurai District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the fourth respondent for non-sanctioning of Selection Grade increment due to the petitioner w.e.f. 26.12.2017,

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incentive increment for acquiring M.A.Degree w.e.f. 23.06.2018, annual increment from 01.10.2021, 01.10.2022 and 01.10.2023, Pongal Bonus for the year 2022, in violation of Rule 28 (12) of the T.N.Recognised Private School Regulations Rule 2023, pursuant to show cause notice by the second respondent dated 21.02.2023, and deploy the petitioner from the fourth respondent School to any needy School, on considering the representation of the petitioner dated 26.12.2017, 31.03.2021, 04.07.2022, 24.12.2022 and 10.04.2023.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mrs.S.Mythreye Chandru for R1 to R3
Special Government Pleader
Mr.Kasinatha Bharathi for R4

ORDER

The instant writ petition has been filed with a prayer directing the fifth respondent to sanction Selection Grade and increment due in accordance with the Government Orders and the petitioner has also prayed for Mandamus to initiate action against the fourth respondent for the deliberate delay caused by him in sanctioning the above amount.

2.The learned counsel appearing for the petitioner would submit

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that the petitioner joined the fourth respondent School on 26.12.2007 and has been serving there and according to the petitioner, she raised a case under the Tamil Nadu Prohibition of Harassment of Women Act, 1989 against the fourth respondent. In this connection, there is also a Police complaint and complaint to respondents. The learned counsel would further submit that inspite of the petitioner's entitlement, the fourth respondent is delaying to sanction the amount.

3.The learned Special Government Pleader would submit that the petitioner is eligible for incentive increment as well as for Selection Grade and that they have already forwarded a proposal to the fourth respondent on 04.05.2021 itself. Hence, they supports the petitioner.

4.The learned counsel appearing for the fourth respondent would submit that he appeared only recently and he is not in a position to file a counter affidavit.

5.The question of granting time for the fourth respondent to file a counter affidavit in a matter filed on 23.07.2024 does not arise. I have given my anxious consideration to either side submissions.



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6.From the submissions of the learned Special Government Pleader it is apparently clear that the petitioner is eligible for incentive increment and for Selection Grade. In this regard, it is relevant to extract the relevant portion of the counter affidavit hereunder:

<i>"Name and Designation</i>	<i>School to which transferred</i>
<i>1.S.Thamizhkumaran</i>	<i>Panchayat Union Middle School</i>
<i>B.T.Assistant</i>	<i>Manigramam</i>
<i>2.R.Sujatha</i>	<i>Devi Aided Primary School</i>
<i>Secondary Grade Teacher</i>	<i>Mananthiruvasal</i>
	<i>(under direct payment)</i>

The above order has been given effect to. It is submitted that the representation made by the petitioner requesting for grant of selection grade with effect from 26.12.2017 and sanction of incentive increment for M.A.Degree with effect from 23.6.2018 was already forwarded to the 4th respondent vide Lr.No.246/A3/2021 Dt.4.5.2021 itself and it is the responsibility of the 4th respondent to pass appropriate orders as per the rules and regulations. It has been brought to notice of the 2nd and 3rd respondent that the 4th respondent has withheld the above benefits on the ground that the petitioner has not co-operated with the School Management. While the matter stood thus, the petitioner has filed this Writ petition."

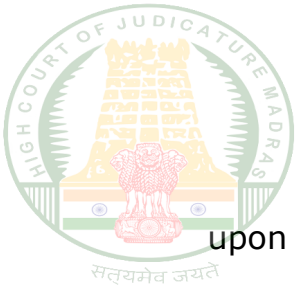
7.Therefore from the above, it is clear that the petitioner is



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eligible for Selection Grade as well as for the incentive increment, and it becomes necessary to direct the fourth respondent. However, the fourth respondent on account of some personal animosity and the middle complaint between the petitioner and the fourth respondent is not sanctioning the amount. Therefore, again directing the fourth respondent to sanction the said amount would only delay the issue. When the respondents 1 to 3 have categorically found that the petitioner is eligible for the Selection Grade with effect from 26.12.2017 and incentive increment for acquiring M.A.Degree with effect from 23.06.2018, this Court deems it appropriate to direct the fourth respondent to forward the proposal to the respondents 1 to 3 within a period of four weeks from the date of receipt of a copy of this order. This Court further directs the fourth respondent to sanction the other benefits which the petitioner is otherwise eligible in accordance with law without making further delay.

8.As far as the complaint made by the petitioner against the fourth respondent, the learned Special Government Pleader would submit that the second respondent has already issued show cause notice dated 21.02.2023. In view of the said submission, the second respondent is directed to conclude the action and pass final orders



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upon the complaint made by the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

9.In the result, the writ petition is allowed. No costs.

01.08.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

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C.KUMARAPPAN,J.
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