

W.P.(MD)No.11161 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.11161 of 2025

T.Selvaraj

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep by its Principal Secretary
Department of School Education
Fort St.George
Chennai 600 009.

2.The Director of School Education,
College Road,
Chennai 600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The District Educational Officer,
Kuzhithurai,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to sanction and disburse the incentive increment for petitioner's higher qualification on the basis of his representation made before the respondents by RPAD dated.03.03.2025.



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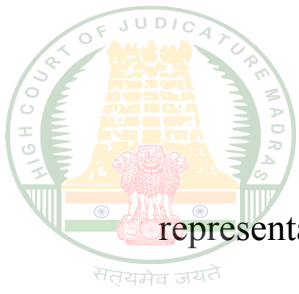
For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition is filed seeking a direction to the respondents to sanction and disburse the incentive increment for petitioner's higher qualification, by considering his representation, dated 03.03.2025.

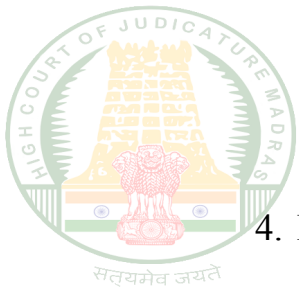
2. The petitioner, who worked as part time vocational Teacher in the Government Boys Higher Secondary School and whose service was regularized with effect from 01.04.1990, retired from service on 30.05.2006. The petitioner acquired M.Com degree in the year 1985 and M.Ed., degree in the year 1989. As per the petitioner, the persons, who are having higher educational qualification are eligible to get incentive increments. The Government issued G.O.Ms.No.240, School Education Department, dated 18.08.2010, wherein, the benefit of the incentive increment also extended to the vocational teachers. As the petitioner entitled for incentive increment for acquiring higher qualification, he applied for the same on 01.07.2007 and 02.09.2009 and he made a



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representation on 27.09.2010 requesting them to grant incentive increment for acquiring higher educational qualification. As there was no response from the respondents, the petitioner constrained to file a writ petition in W.P(MD)No.14702 of 2011 before this Court. This Court by order, dated 04.07.2013, directed the first respondent therein to consider the representation of the petitioner, dated 29.08.2011 within a period of eight weeks from the date of receipt of a copy of the order. Even then, the request of the petitioner was not considered. Meanwhile, the petitioner came to know that similarly situated persons are granted the same relief and one Mr.P.Vargheese, who worked as Vocational Teacher in Government Higher Secondary School, Arumanai has been sanctioned with incentive increment for acquiring higher educational qualification during 16.04.1993 and 22.04.1994 and the same was disbursed to him.

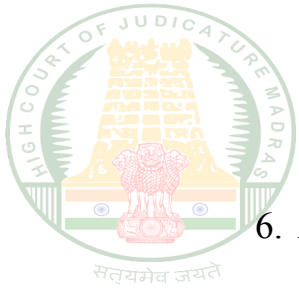
3. The learned counsel for the petitioner submits that the action of the respondents in denying the incentive increment to the petitioner and granting to similarly situated persons is discriminative and he sought to allow the writ petition.



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4. Having heard the submissions of the respective learned counsels and on careful perusal of the materials available on record, there is no dispute with regard to the admitted facts in this case. Whether the petitioner is entitled for the incentive increment for acquiring higher qualification has to be decided by the respondents by following the relevant Rules and Regulations. But keeping that issue pending for years together even after the orders of this Court, dated 04.07.2013 in W.P(MD)No.14702 of 2013 is unreasonable and unjust. If the contention of the petitioner is true that similarly situated persons are granted incentive increment for acquiring higher qualification, the action of the respondents for not granting the same to the petitioner is definitely discriminative and in violation of Article 14 and 16 of the Constitution of India.

5. However, considering the fact that the representation of the petitioner, dated 03.03.2025 is pending with the respondents, in the considered opinion of this Court, it is appropriate and reasonable to direct the second respondent to consider the said representation and pass appropriate orders within the time to be stipulated herein under by following the relevant Rules to meet the ends of justice.



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6. Accordingly, this writ petition is disposed of with a direction to the second respondent to consider the representation, dated 03.03.2025 of the petitioner and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

No costs.

22.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Principal Secretary
Department of School Education
Fort St.George
Chennai 600 009.
- 2.The Director of School Education,
College Road,
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- 3.The Chief Educational Officer,
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BATTU DEVANAND, J.

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