



W.P(MD)No.26207 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 24.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.26207 of 2019

V.Raghuraman

... Petitioner

Vs

1.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

2.The Block Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Bharathiyar Middle School,
Rep by its Secretary,
Paramakudi,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent herein to disburse a sum of Rs.1,77,793/- towards arrears of incentive increments to the petitioner from 27.05.2008 onwards as per the sanction order issued by the third



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respondent herein vide dated Nil 10.2017 (signed on 14.11.2017) and approved by the Assistant Elementary Educational Officer, Paramakudi vide proceedings in Na.Ka.No.116/A3/17, dated 16.11.2017, within a reasonable time as may be specified by this Court.

For Petitioner	: Mr.E.V.N.Siva
For R1 & R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	: No appearance

ORDER

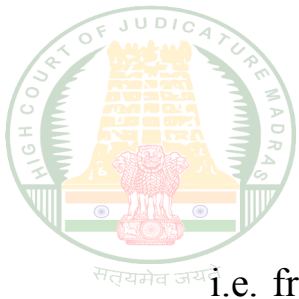
The petitioner has approached this Court, seeking a Mandamus to the first respondent herein, to disburse a sum of Rs.1,77,793/- towards arrears of incentive increments to the petitioner from 27.05.2008, as per the sanction order issued by the Secretary of Bharathiyar Middle School and approved by the Assistant Elementary Educational Officer, Paramakudi vide proceedings in Na.Ka.No.116/A3/17, dated 16.11.2017, within a reasonable time.



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2.The learned counsel appearing for the petitioner submits that the petitioner was appointed as a Physical Education Teacher on 15.04.2003 with B.B.A., and B.P.Ed qualification in a non-minority Government Aided Private School. Thereafter, the petitioner has acquired Post Graduate Diploma in Yoga, during May 2008, for which, he was provided with incentive increment from 01.01.2017. Seeking arrears of incentive increments from 27.05.2008 to 31.12.2016, the petitioner has submitted a representation on 01.03.2018, however, the same was not considered by the respondents. Therefore, the petitioner has filed a writ petition in WP(MD) No.7172 of 2018 and this Court, by order, dated 03.04.2018 has disposed of that writ petition with a direction to the respondents to consider the representation of this petitioner dated 01.03.2018 as per the proposal submitted by the third respondent School. Accordingly, the District Educational Officer, Ramanathapuram has passed an order in Na.Ka.No.2898/A3/2018, dated 07.08.2018, directing the third respondent School to submit a fresh proposal for sanction of incentive increment from 13.10.2016,

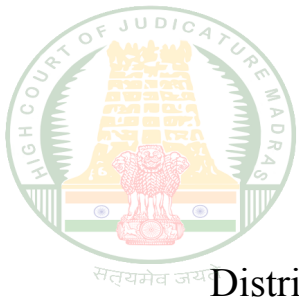


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i.e. from the date of Government Order in G.O(Ms)No.177, School Education Department, dated 13.10.2016 and it was also informed that incentive increment could not be granted from the date of acquiring the qualification. Another proceedings in Na.Ka.No. 2898/A3/2019, dated 29.10.2019 was also issued by the District Educational Officer to cancel the incentive increments already sanctioned to the petitioner for the ineligible period. According to the petitioner, once the incentive increment has been sanctioned to the petitioner for his higher qualification, arrears of incentive increment cannot be withheld by the respondents.

3.The learned Additional Government Pleader appearing for the respondents 1 & 2 submits that the eligible teachers are entitled for incentive increment only from the date of G.O(Ms)No. 177, School Education Department, dated 13.10.2016 and not from the date of acquiring the higher qualification. The eligible incentive increment was calculated from 13.10.2016, it was paid to the petitioner and orders have also been passed to that effect by the



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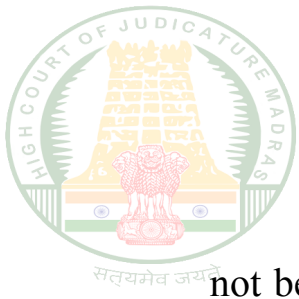
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District Educational Officer, Ramanathapuram District and the Block Educational officer, Ramanathapuram District in Na.Ka.No. 2898/A3/2018, dated 07.08.2018 and in Na.Ka.No.116/A2/2019, dated 09.11.2019 respectively.

4.In reply, the learned counsel for the petitioner submits that G.O(Ms)No.177, School Education Department, dated 13.10.2016 is dealing with the second incentive increment, which can be provided from the date of the Government order and it does not curtail the sanction of first incentive increment for his higher qualification of PG Diploma in Yoga.

5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, a Physical Education Teacher has approached this Court that arrears of incentive increment from the date of acquiring the higher qualification of PG Diploma in Yoga has

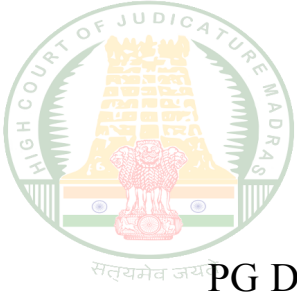


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not been granted to him. Admittedly, the petitioner has acquired PG Diploma in Yoga in the year 2008, whereas, the relevant Government Order sanctioning incentive increment for higher qualification has been issued vide G.O(Ms)No.177, School Education Department only on 13.10.2016. Though the petitioner has taken a specific plea that the incentive increment sought for by the petitioner is first incentive increment and it should be paid from the date of acquiring the higher qualification and the Government Order referred by the Additional Government Pleader is meant for the second incentive increment, he has not placed any documents as to his entitlement of incentive increment for higher qualification of PG Diploma in Yoga from the year 2008.

7.In view of the above, this writ petition is closed. However, the petitioner is at liberty to submit a fresh representation for the incentive increment from the month of May 2008 for P.G.Diploma in Yoga, by referring to the Government Order, if any, which mandates the respondents to provide incentive increment for



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PG Diploma in Yoga from 2008, within a period of four weeks from the date of receipt of a copy of this order. In the event, if any such representation along with the relevant Government order is submitted by the petitioner, the same shall be considered and a decision shall also be taken by the first respondent within a period of twelve weeks from thereon. No costs.

24.01.2025

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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