

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2193 of 2017

1.S.Ramachandran
2.N.Gandhimathi
3.A.Manimaran
4.K.Palanimuthu
5.S.Vasantha Rani
5.G.Kaliamurthy
7.C.Maharajan
8.V.Natarajan
9.C.Manivannan
10.R.Veerapandian
11.D.Bhaskaran

... Petitioners

Vs

1 The Director of Elementary Education
DPI Campus
College Road
Chennai - 600 006
2 The District Elementary Educational Officer
Ariyalur District.
3 The Additional Assistant Elementary
Educational Officer
Jayamkondan - 621 802

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to consider the representation of the petitioners in the light of the orders of this Hon'ble Court made in W.P.No.21895 of 2015, dated 08.12.2015 and W.P. No.6843 of 2010, dated 23.04.2012 and consequently direct the respondents herein to grant the petitioners incentive increment for possessing the higher qualification of Masters degree from the date of acquisition of the Masters Degree within the time frame to be fixed by this Hon'ble Court.

For Petitioner : Mr.Dakshayani Reddy

For Respondents: Mr.V.Anandamoorthy
Addl. Govt. Pleader

ORDER

By consent, the writ petition is taken up for final disposal. Mr.V.Anandamoorthy, learned Additional Government Pleader, accepts notice on behalf of the respondents.

2 The petitioners were appointed to the post of Secondary Grade Teachers, though the minimum qualification prescribed was Diploma in Teacher Education, however, they possessed degree with B.Ed.. The petitioner would further aver that they were eligible to the post of B.T.'Assistants, due to higher qualification, the petitioners were appointed to the post of Secondary Grade Teachers and some of them were also possessed Masters degree, which were acquired during the course of employment. The petitioners would further aver that the Government also took up a policy decision to grant incentive increment for possessing higher qualification, taking into consideration the interest of the students, with an intention to motivate the teachers.

3. The petitioners claim that they did not seek incentive increment for the degree with B.Ed., but sought for incentive increment for the Masters degree qualification and that proposal in that regard was returned on the ground that at the time of appointment, the basic qualification obtained by the petitioners was B.A., B.Ed., and they were also appointed with a condition that they would not be entitled for incentive increment.

4. The learned counsel for the petitioners had drawn the attention of this Court to the following orders of this Court:-

1. W.P.(MD).No.13088 of 2009 dated 23.07.2012 (S.Oderliarosali and Sebastiammal vs. The Director of Elementary Education and 3 others)

2. W.P.No.7381 of 2007 dated 13.10.2014 (G.Meenalochini vs. Chief Educational Officer, Trichy and 2 others)

3. W.P.(MD) No.6043 of 2010 dated 23.04.2012 (A.Mary vs. The Director of Elementary Educaiton, Chennai and 3 others)

and

4. W.P.(MD) No.21895 of 2015 dated 08.12.2015 (J.Alexandria Remy Jhansi Rani vs. The District Elementary Educational Officer, Thoothukudi).

and submitted that in similar circumstances, this Court has passed positive orders directing the concerned Officer to grant incentive increment to the petitioners therein and in the light of the undisputed facts, the petitioners are entitled to the incentive increment and prays for appropriate orders. In this regard, the petitioners have also submitted individual representations through proper channel to the 1st respondent.

5 Heard Mr.V.Anandamoorthy, learned Additional Government Pleader appearing for the respondents, who would submit that even in the appointment orders, it has been intimated that the petitioners cannot claim incentive increment and therefore, the petitioners cannot change their stand and prays for dismissal of the writ petition.

6. This Court considered the rival submissions and perused the materials placed before it.

7 Though the petitioner has prayed for larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioners, directs the 1st respondent to consider the petitioners' representations dated 15.03.2016 and 15.09.2016 respectively, and pass orders on merits and in accordance with law, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

8 The writ petition stands disposed of with the above direction. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Director of Elementary Education
DPI Campus
College Road
Chennai - 600 006
- 2 The District Elementary Educational Officer
Ariyalur District.
- 3 The Additional Assistant Elementary
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Jayamkondan - 621 802

+1cc to Mrs.Dakshayani Reddy, Advocate Sr.6390

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ksj[co]
srg 13/2/2017



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