

(2009) 07 MAD CK 0089

In the Madras High Court

Case No : Writ Petition No. 4361 of 2007 and O.A. No. 535 of 2001

M. Elangeeran

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 29-07-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 07 MAD CK 0089

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : P. Ganesan, for the Appellant; V. Arun, Additional Government Pleader, for the Respondent

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondent.

2. The brief facts of the case are as follows:

The petitioner had joined in Service, as a Grade II Tamil Pandit, on 1.4.1968 and he was promoted as a Grade I Tamil Pandit, on 25.2.1971.

Thereafter, the petitioner was promoted as a P.G. Assistant, on 15.11.1996 and further promoted as a Headmaster of High School, on 9.2.2000.

The petitioner had retired from service, on 31.5.2001. While so, he had acquired two sets of incentive increments. When he had applied for the

sanction of incentive increment for M.Ed. qualification it was rejected by the impugned order, dated 26.9.2000, on the ground that a Teacher is

eligible for only for two sets of incentive increments and therefore, the incentive increment for M.Ed. cannot be sanctioned. In such circumstances,

the petitioner had preferred the present writ petition before this Court, under

Article 226 of the Constitution of India.

3. At the stage of the hearing of the writ petition, the learned Counsel appearing for the petitioner had submitted that, as per paragraph 3(ii) (a) of

G.O. Ms. No. 1024 Education Science & Technology Department dated 9.12.93, the maximum number of advance increments which a teacher

can get, under the scheme of incentive increments in accordance with the Government order shall be four, in his entire service. Accordingly, the

petitioner is eligible for two more increments when he was in service. However, since the petitioner had retired from service, in the year 2002, on

attaining the age of superannuation, the petitioner would be eligible for one more increment for M.Ed. qualification.

4. In view of the submissions made by the learned Counsel appearing on behalf of the petitioner, the impugned order of the third respondent, dated

26.9.2000, is set aside, and the third respondent is directed to pass appropriate orders, in accordance with G.O. Ms. No. 1024, Education

Science & Technology Department, dated 9.12.93, considering the request of the petitioner to sanction one set of incentive increments to the

petitioner for his M.Ed. qualification.

5. Accordingly, the writ petition is disposed of, with the above directions. No costs.