



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 04.10.2019

CORAM

THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)No.12472 of 2014

T.David

... Petitioner

vs.

1.The Director of School Education,
Chennai.

2.The District Educational Officer,
Kuzhithurai, Kanniyakumari District.

3.The Secretary,
Kamaraj Memorial Higher Secondary School,
Panthaluvilai, Kanniyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in his proceedings in Adhi.Mu.No.6839/A2/12, dated 31.12.2012 and quash the same and to direct the respondents to sanction incentive increments to the petitioner for M.A and M.Ed., Degree.

For Petitioner

:Mr.V.Paneer Selvam

For R1 and R2

:Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

This Writ Petition is filed to quash the proceedings of the first respondent, dated 31.12.2012 and to sanction incentive increments to the petitioner for acquiring M.A. and M.Ed., degrees.

2.The petitioner was appointed as Secondary Grade Teacher on 01.06.1990 with a qualification of B.Sc., and B.Ed. Since there was no Secondary Grade Diploma holders, B.T. Teachers were appointed as Secondary Grade Teachers in the pay scale applicable to Secondary



Grade Teachers. It is stated that the School, in which, the petitioner was appointed was upgraded as High School and Higher Secondary School in the year 1990 and 1995 respectively.

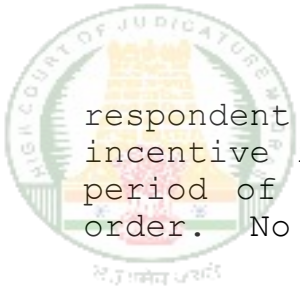
3.The petitioner acquired M.A., and M.Ed., degrees. It is stated that as per G.O.Ms.No.13, dated 06.02.2015, the petitioner is entitled for two sets of incentive increments for acquiring higher qualification, namely, M.A., and M.Ed. After acquiring higher qualification, the petitioner applied for incentive increments and the proposal submitted to the third respondent was forwarded to the second respondent, by communication, dated 07.06.2012. However, the proposal was returned on 16.07.2012. Later, the petitioner resubmitted the representation accompanied by a judgment of this Court in a similar case. The third respondent forwarded the proposal on 08.10.2012 and the same was returned by the second respondent by the impugned order, dated 31.12.2012, only on the ground that the order passed by this Court is applicable to the persons concerned and not to everyone, who are similarly placed. The second reason is that the qualification acquired by the petitioner will not enable him to get two additional increments as per the Government Order, as the petitioner pursued his higher education without prior permission from the respondents. Challenging the said order, the above writ petition is filed.

4.The learned Counsel for the petitioner would submit that the main contention of the respondents to reject the proposal was that the petitioner had acquired higher qualification without prior permission from the respondents. The learned Counsel for the petitioner submitted that G.O.Ms.No.13, dated 06.02.2015, clearly stipulates that the petitioner is entitled to incentive increment for acquiring higher qualification. It is further stated that there is no limit or bar for getting more number of incentive increments.

5.The learned Single Judge of this Court in the case of J.Tamilrajan vs The State of Tamil Nadu and others, by order dated 03.01.2019, has followed the unreported decision of this Court in a previous case, which is similar to the present case and held that the claims for incentive increment for acquiring higher qualification cannot be denied on the ground that undertaking higher education by the teacher was without prior permission.

6.The learned Counsel for the respondents though relied upon the counter affidavit, reiterated the same contentions that was considered by the learned Single Judge of this Court in the similar case relied upon by the petitioner.

7.This Court has consistently held that the petitioner and other similarly placed persons are entitled to incentive increments, despite the fact that they had undergone higher studies without prior permission. As a result, this writ petition is allowed and



respondent is set aside. The respondents are directed to sanction incentive increments to the petitioner for M.A., and M.Ed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

cmr

To

- 1.The Director of School Education,
Chennai.
- 2.The District Educational Officer,
Kuzhithurai, Kanniyakumari District.

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-91400[F] dated
04/10/2019)

W.P.(MD)No.12472 of 2014
04.10.2019

JM/18.10.2019/3P/4C