



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.8122 of 2011

M.Jannathul Johara

... Petitioner

Vs.

1.The District Elementary Educational Officer
R.M.S.Road
Madurai District
Madurai 625 001

2.The Assistant Elementary Educational Officer
Madurai North Range
No.1, Kamala Nagar, Thallakulam
Madurai 625 002

3.The Secretary
Alagu Sundaram Middle School
Madurai 625 016

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in Na.Ka.No.100/2011 dated 20.04.2011 passed by the 2nd respondent and quash the same and directing the 2nd respondent to approve the 3rd respondent's letter dated 29.06.2010 in granting the petitioner one incentive equivalent to two increment as per the G.O.Ms.No.107 Education Department, dated 20.01.1976 for M.A.Degree.

For petitioner : Mr.K.Muraleedharan

For R 1 & 2 : Mr.D.Muruganandhan
Additional Government Pleader

For R3 :No appearancee

ORDER

This petition has been filed by the petitioner challenging the order rejecting to grant incentive increment to the petitioner for acquiring higher qualification ie., M.A. (Tamil) degree.

2. The learned counsel for the petitioner submitted that the petitioner has completed B.Lit in Tamil and Pandits' Training Course. Based on the said qualification, she was appointed as Secondary Grade Teacher on 15.04.1998. The petitioner has completed one month training course in child psychology. As per direction of this Court in W.P.No.1660 of 2003 her service was regularised as



such being a Secondary Grade Teacher and also completed B.Lit in Tamil, she has been working in the third respondent's School as Secondary Grade Assistant with effect from 11.06.2009. The petitioner has acquired M.A.(Tamil) degree in the year 1999. When the petitioner submitted an application to the respondents to grant incentive increment for acquiring higher qualification, the respondents returned the same stating that as she was appointed and working as secondary grade teacher as such she is not eligible for such incentive. Hence, challenging the said order, the petitioner has filed this writ petition.

3. The learned counsel for the petitioner would further submit that as per G.O.Ms.No.42, dated 10.01.1969, the teachers are eligible for advance increments for acquiring higher qualifications, but it was allowed only to the person who had acquired M.A. Degree after completing B.Ed. Degree. Subsequently, considering the grievances of Tamil Pandits, the Government by G.O.Ms.No.107, dated 20.01.1976, issued revised orders to the effect that the Tamil Teacher, who acquires M.A. Degree even without a B.Ed. Qualification, is entitled for advance increment as B.Ed. is not a prescribed qualification for him. If the said teacher acquires B.Ed. Degree after acquiring M.A. Degree, he will get a second incentive increment. The respondent without considering the said G.O. has erroneously negated the claim of the petitioner. Thus, she prayed to allow this writ petition.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submitted that the petitioner is entitled to the benefit only if she completed B.A. degree before applying for M.A. degree.

5. Heard the learned counsel for both sides and perused the records carefully.

6. According to the petitioner, she has completed B.Lit. degree and based on the same, she applied for M.A. (Tamil) degree and completed M.A. (Tamil) degree. It is not in dispute that the petitioner is entitled to do M.A. degree, on completing B.Lit. Degree. When that be so, there is no necessity to acquire B.A. degree and then, M.A (Tamil) degree as stated by the respondents.

7. The respondents mainly relying on G.O.Ms.No.42, dated 10.01.1969, stated that the petitioner is not entitled to get incentive increment, as she has not acquired B.Ed. degree and then, M.A. degree. A perusal of G.O.Ms.No.107, dated 20.01.1976 shows that G.O.Ms.No.42 has been amended regarding increments to Tamil Pandits and the Government issued revised orders as follows:

"Tamil Pandits Grade I, who do not have to possess B.T. for initial appointment, and Grade II Tamil Pandits may be allowed two incentive



advance increments either for B.T. or for M.A. Advance increments may be allowed for a second time for such teacher, who after passing B.T. possess M.A., or after passing M.A. passes B.T. Advance increments shall not be allowed to them for passing M.Ed."

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8. From the above said G.O., it is clear that the teachers who complete either B.T. or M.A. first should be given advance increment and a second time increment could be given if the same person acquires B.Ed. degree. As the petitioner has acquired M.A. degree first, she cannot be denied incentive increment stating that she has not acquired B.Ed. degree. Therefore, this Court is inclined to set aside the impugned order.

9. In view of the above, the impugned order is set aside and the respondents are directed to notionally grant incentive increment to the petitioner for acquiring M.A. (Tamil) degree and to pay consequential monetary benefits to her. The above said excise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. This Writ Petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa

To

1.The District Elementary Educational Officer
R.M.S.Road, Madurai District
Madurai 625 001

2.The Assistant Elementary Educational Officer
Madurai North Range
No.1, Kamala Nagar, Thallakulam, Madurai 625 002

+1 CC to M/s.K.MURALEETHARAN, Advocate(SR-8542[F] dated 26/02/2020)
+1 CC to M/s.SPL.GP (SR-8601[F] dated 26/02/2020)

Order made in
W.P.(MD) No.8122 of 2011
24.02.2020

AP(03/07/2020) 3P 5C

<https://hcservices.ecourts.gov.in/hcservices/>