



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.18466 of 2015

S.Arockiadas

... Petitioner

Vs.

The Assistant Elementary Education Officer,
Vadamadurai,
Dindigul District.

... Respondent

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 A.Thi.Mu.No.723/A1/15, dated 31.07.2015 passed by the respondent and quash the same as illegal and consequently, direct the respondent to grant incentive increment to the petitioner for acquiring higher qualification M.A. (Tamil) degree within a stipulated time.

For petitioner : Mr.M.Jerin Mathew

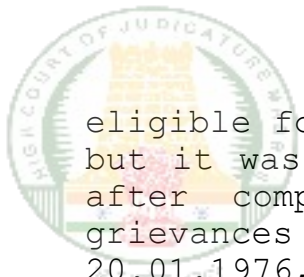
For respondent : Mr.N.Shanmugaselvan,
Additional Government Pleader

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 was appointed as Secondary Grade Teacher on 10.07.1984 in an Aided School and later on, appointed in Panchayat Union School with effect from 08.10.1986 with continuity of service. The petitioner was given selection grade in the Secondary Grade Level on 12.07.1004. The petitioner was promoted as Elementary School Headmaster on 25.06.1999 and as Middle School Headmaster on 12.09.2004. The petitioner has acquired B.Litt degree in the year 2003 and M.A.(Tamil) degree in the year 2014. When the petitioner submitted an application to the respondent to grant incentive increment for acquiring higher qualification, the respondent returned the same stating that as he has not acquired B.Ed. qualification, increment could not be granted for acquiring M.A. Degree. 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, he prayed to allow this writ petition.

4. The learned Additional Government Pleader appearing for the respondent submitted that the petitioner is entitled to the benefit only if he completed B.A. degree before applying for M.A. degree.

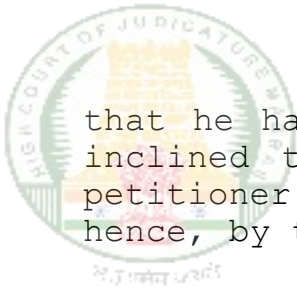
5. Heard the learned counsel for both sides and perused the records carefully.

6. According to the petitioner, he has completed B.Litt. degree and based on the same, he 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 respondent.

7. The respondent mainly relying on G.O.Ms.No.42, dated 10.01.1969, stated that the petitioner is not entitled to get incentive increment, as he 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."

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, he cannot be denied incentive increment stating



that he has not acquired B.Ed. degree. Therefore, this Court is inclined to set aside the impugned order. It is seen that the petitioner has filed this writ petition at the age of 58 years and hence, by this time, he could have been retired from service.

9. In view of the above, the impugned order is set aside and the respondent is directed to notionally grant incentive increment to the petitioner for acquiring M.A. (Tamil) degree and to pay consequential monetary benefits to him. 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 (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gcg

To

The Assistant Elementary Education Officer,
Vadamadurai,
Dindigul District.

+1 CC to SPL.GP (SR-3885[F] dated 30/01/2020)

+1 CC to Mr.M.E.ILANGO, Advocate (SR-3949[F] dated 30/01/2020)

Order made in
W.P.(MD) No.18466 of 2015
29.01.2020

VB(01.06.2020) 3P 4C