



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.5784 of 2015

and

M.P (MD) .No.1 of 2015

WEB COPY

K.Murugesan

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
rep., by the Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai 600 006.
- 3.The District Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.
- 4.The Additional Assistant Elementary
Educational Officer,
Paramakudi, Ramanathapuram District-623 707
- 5.The Correspondent,
Kalidass Middle School,
Paramakudi 623 707
Ramanathapuram District.

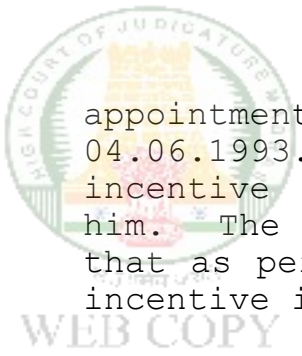
... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent Additional Assistant Educational Officer in A.Thi.Mu.No.590/A2/15 dated 31.03.2015, quash the same and further direct the respondents to grant incentive increments to the petitioner for possessing higher qualifications of M.A., and M.Ed., degrees.

For Petitioner	:	Mr.K.Ragatheeshkumar for M/s.Isaac Chambers
For Respondents	:	Mr.J.Gunaseelanmuthiah Additional Government Pleader for R1 to R4

ORDER

The writ petitioner is working as Secondary Grade Teacher in the fifth respondent School. The petitioner possess the qualification of B.Sc, B.Ed., M.Ed., and M.A degrees. The



appointment of the writ petitioner was approved with effect from 04.06.1993. The writ petitioner states that he is entitled for incentive increment for the additional qualifications acquired by him. The claim of the writ petitioner was rejected on the ground that as per the Government Orders, he is not entitled for grant of incentive increment.

2.The learned counsel for the petitioner reiterated that, admittedly, the petitioner is possessing the additional educational qualifications and as per the orders of this Court, incentive increments were granted to the Teachers, who are all similarly placed. The learned counsel for the writ petitioner cited the orders passed in W.P(MD).No.4980 of 2015, dated 21.02.2019 and other judgments.

3.Undoubtedly, the Teacher is entitled for two incentive increments in his/her entire career. However, grant of incentive increment is, subject to the terms and conditions stipulated in the Government policy. Incentive increments are granted by constituting a policy in order to encourage the Teachers to acquire more and more educational qualifications. It would be beneficial for the students studying in the Schools and Colleges. However, incentive increment is to be granted strictly in accordance with the terms and conditions stipulated in the policy. The relevancy of the additional qualifications with reference to the post, in which a Teacher is working and other criteria are to be verified before granting incentive increment.

4.The counter filed by the respondents reveals that :-

"3.Para 2(iii) of the G.O.Ms.No.539, Education (M1) Department, dated 21.04.1986 relating to the Secondary Grade Teachers states as follows:

iii)B.T. or Tamil Pandit appointed to a Secondary Grade Teachers vacancy shall be eligible to draw the scale of pay as applicable to the post of Secondary Grade Teacher and that they are not eligible to draw any incentive increments or higher scale of pay by virtue of their possessing higher qualification etc.

4.the G.O.(rt) No.155, School Education (D2) Department, dated 03.10.2002 also clarifies that the benefits of incentive increments to the Graduate Teachers are not entitled for any incentive increments.

5.the petitioner was appointed as Secondary Grade Teacher with B.T.qualification but without Secondary Grade Teacher Training in the 5th respondent School-Kalidass Middle School, Paramakudi,



Ramanathapuram District w.e.f.04.06.1993.

6.on the assurance given by the petitioner the third respondent has permitted the petitioner to work as Secondary Grade Teacher in the 5th respondent School.

7.as clarified in the above said G.O.Ms.No.539, Education (M1) Department, dated 21.04.1986 and G.O (Rt).No.155, School Education (D2) Department, dated 03.10.2002 the petitioner/Secondary Grade Teacher is not entitled to get incentive increments for his higher education than the qualification required for the post of Secondary Grade Teacher. Moreover in the absence of Secondary Grade Teacher Training the petitioner has been appointed as Secondary Grade Teacher. As such the petitioner is not entitled to claim incentive increments for his higher qualification. Therefore, the petitioner's claim petition/representation was returned with an endorsement "you, the Graduate Teacher have been appointed as Secondary Grade Teacher without Secondary Grade Teacher Training, on your affirmation that you will not claim the incentive increments for your higher qualification. "

5.In view of the fact that as per the Government Orders, the petitioner is not eligible to get incentive increment for his higher qualifications. This Court cannot grant a relief as such sought for in the present writ petition. However, the Government of Tamil Nadu has clarified for granting of incentive increment in G.O.Ms.No.116, Personnel and Administrative Reforms Department, dated 15.10.2020. The said Government Order was made applicable to all the departments.

6.In view of the fact that there is a total ban now, further directions cannot be granted by this Court. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk



To

1.The Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.

2.The Director of Elementary Education,
College Road, Chennai 600 006.

3.The District Elementary Educational Officer,
Ramanathapuram, Ramanathapuram District.

4.The Additional Assistant Elementary
Educational Officer,
Paramakudi, Ramanathapuram District-623 707

+1 CC to M/s.GP (SR-24596[F] dated 09/12/2020)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-24707[F] dated 09/12/2020)

W.P. (MD) .No.5784 of 2015
08.12.2020

KVN(CO)
AP(16/12/2020) 4P 7C