



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M. S. RAMESH

W.P. (MD) No.7142 of 2021

WEB COPY

- 1.D.Arulvijay
- 2.V.Revathi
- 3.A.Olipraba
- 4.K.Salomina Alias Shanthi
- 5.S.Gomathi
- 6.K.Indhumathai
- 7.M.Balamurali
- 8.C.Shunmugarani
- 9.R.Jeyakrishnan
- 10.P.Suman
- 11.E.Vasantha Priya
- 12.M.Latha
- 13.C.Chandramohan
- 14.J.James Brindha
- 15.G.Seethalakshmi
- 16.C.Jegadeesan
- 17.R.Kodiswari
- 18.K.Marimuthu
- 19.P.Arulbabu
- 20.S.Ruban Nelson Kumar
- 21.R.Rathimala
- 22.I.Ganesan
- 23.M.Tamilselvan
- 24.S.Sarasu
- 25.S.Rajarajeswari
- 26.R.Sethammal

...Petitioners

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Backward Classes, Most Backward Classes and De-
notified Communities and Minorities Welfare,
Secretariat,
Saint George Fort, Chennai - 9.
- 2.The Government of Tamil Nadu,
rep. by its Secretary to Government,
Department of Finance,
Secretariat,
Saint George Fort, Chennai.
- 3.The Commissioner/The Director
Most Backward and Denotified Communities Welfare Department,
Ezhilagam,



Chennai - 600 005.

4.The Joint Director,
Kallar Reclamation,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent herein to sanction the incentive increments to the petitioners for obtaining the higher qualifications Degrees from the date of acquisition of the respective qualifications based on the proposal of the 4th respondent.

For Petitioner : Mr.G.Chandrasekar

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

O R D E R

The petitioners herein, have possessed higher education during their service and they aspired to avail incentive increment for their higher education, in terms of the Regulations governing them. The fourth respondent had sought for the approval for registration of the petitioner's higher qualification for the purpose of granting incentive increment, the same came to be pending before the third respondent, stating that, the petitioners had not obtained prior permission of the Authorities, for undergoing higher education.

2. The petitioners herein intends to avail incentive increment for having possessed higher educational qualification and the purpose for which the ratification of their higher degree was sought for was to make the petitioners eligible for availing the said increment.

3. This Court, in various writ petitions have held that claims for conferment of incentive increment for acquiring higher educational qualifications cannot be denied on the ground that such higher qualifications were acquired without prior permission. One such order of this Court passed in the case of **J.Tamilrajan vs. Department of School Education and others** passed in W.P.(MD) No.4019 of 2018, reads thus:-

"3.In W.P(MD).No.1049 of 2012, a learned single Judge of this Court has considered the similar question and has rejected the claim of the department that if the higher education is pursued without consent of the permission of the department, the teacher was not entitled to the incentive increments for obtaining such higher qualification. Following the said Judgment, another learned single Judge of this Court in W.P.No.18086 of 2017 has held that want of permission



cannot stand in the way of the petitioner being favoured with the incentive increments for having obtained higher qualifications. While doing so, paragraph 7 of the order, this Court has observed as follows:

" 7.This Court in the unreported decision made in W.P(MD).No. 21895 of 2015 dated 08.12.2015, while considering the claims for conferment of incentive increment for acquiring qualification and the contention that they were acquired without prior permission, held that conferment of incentive increment cannot be denied on that score. Acquiring higher education by the teacher is only for the benefit of students. In that view of the matter, the third ground of opposition stands rejected"

4. In view of the above, the sole ground on which the authorities rejected the claim of the petitioner towards incentive increments fails and the writ petition is liable to succeed. The impugned order of rejection is therefore, quashed. The respondents are directed to sanction the incentive increments to the petitioner for obtaining the higher qualifications namely M.A.History and B.Ed Degree from the date of acquisition of the respective qualifications. The said exercise shall be completed within 8 weeks from the date of receipt of a copy of this order."

4.By applying the ratio held in the aforesaid decision as well as various other decisions, on the same line, it can be said that the petitioners herein would be entitled for incentive increments for having possessed higher educational qualifications, even though they had not obtained prior permission of the Authorities for having undergone the course for such higher education.

5.In the light of the above observations, the third respondent herein, shall positively consider the proposal sent by the fourth respondent, recommending the candidature of the petitioners herein for grant of incentive increments for having possessed their higher educational degree, if not otherwise disqualify, in the line of the observations made by this Court and extend the benefit of incentive increment, atleast within a period of eight (8) weeks from the date of receipt of the proposal.

6.



6. Accordingly, the Writ Petition stands allowed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

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// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TM

To

1. The Secretary to Government,
The Government of Tamilnadu,
Department of Backward Classes, Most Backward Classes and De-notified Communities and Minorities Welfare,
Secretariat,
Saint George Fort, Chennai - 9.
2. The Secretary to Government
The Government of Tamil Nadu,
Department of Finance,
Secretariat,
Saint George Fort, Chennai.
3. The Commissioner/The Director
Most Backward and Denotified Communities Welfare Department,
Ezhilagam,
Chennai - 600 005.
4. The Joint Director,
Kallar Reclamation,
Madurai.

+2 CC to M/s.G.CHANDRASEKAR, Advocate (SR-14407[F] dated 30/03/2021

W.P. (MD) No.7142 of 2021

29.03.2021

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