



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.8723 of 2021

WEB COPY

A.Regii Pamila

... Petitioner

vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 006.
- 3.The Chief Educational Officer,  
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,  
Tirunelveli, Tirunelveli District.
- 5.The Correspondent,  
Christhu Raja Higher Secondary School,  
Palayamkottai - 627 002,  
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 3 and 4 to sanction forthwith four advance increments to the petitioner for possessing higher qualifications of M.Sc and M.Ed Degree, based on the representation submitted by the fifth respondent School, dated 24.02.2021.

For Petitioner : Ms.A.Amala

For RR 1 to 4 : Mr.N.Shanmugaselvam  
Additional Government Pleader

**ORDER**

This Writ Petition is filed seeking a Writ of Mandamus, directing the respondents 3 and 4 to sanction forthwith four advance increments to the petitioner for possessing higher qualifications of M.Sc and M.Ed Degree, based on the representation submitted by the fifth respondent School, dated 24.02.2021.



2.Mr.N.Shanmugaselvam, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

3.According to the petitioner, she was appointed as Secondary Grade Teacher on 15.06.1995 in St. Mary's Primary School, Millerpuram, Tuticorin and later, she was transferred to the fifth respondent School on 04.06.1999. In the meantime, the then Additional Assistant Elementary Educational Officer, Tuticorin, approved the appointment of the petitioner as Secondary Grade Teacher with effect from 15.06.1995, after obtaining an undertaking that while the petitioner was working as Secondary Grade Teacher, will not seek incentive increments for B.T Assistant qualification. According to the Government's Policy, the Teachers, who possess or acquire higher qualifications over and above the qualification prescribed for appointment, are paid incentive increments. The Government announced the payment of such increments to Secondary Grade Teacher, vide G.O.Ms.No.42 (Education) Department, dated 10.01.1969. According to the said G.O., B.T Assistants in the cadre of Secondary Grade Teachers would be eligible for two advance increments, for possessing or acquiring M.A, M.Sc or M.Ed Degrees. Subsequently, the State Government issued G.O.Ms.No.1032 (Education Department), dated 22.06.1971. According to the said G.O., the B.T Assistants would be eligible for four advance increments for possessing or acquiring M.A, M.Sc or M.Ed Degrees. Seeking incentive increments to the petitioner, the fifth respondent School submitted a representation, dated 24.02.2021 to the respondents 3 and 4. Since no action has been taken, the petitioner has come out with the present Writ Petition.

4.The learned counsel appearing for the petitioner submitted that the Education Department had refused to grant incentive increments to some Teachers on the ground that they had given undertaking that they will not claim incentive increments. The said issue came up for consideration before this Court in W.P(MD)No.58 of 2019, wherein, this Court, vide order dated 28.02.2020, relied on the Judgment of the Division Bench of this Court in W.A(MD)No.511 of 2011, dated 27.06.2011 (State of Tamil Nadu Vs. Louis) and came to the conclusion that such Teachers would be entitled to claim incentive increments for higher qualification. The State preferred a Special Leave Petition before the Hon'ble Supreme Court in SLP.C.C.No.13056 of 2014 against the order, passed in W.A(MD)No.511 of 2011, which was dismissed, by order dated 25.08.2014 and prayed for allowing the Writ Petition.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 submitted that the petitioner's representation will be considered by the respondents 1 to 4, taking into consideration the orders of the Division Bench of this Court in **R.Premkumari Vs. State of Tamil Nadu, rep. by its Secretary to Government and others** reported in **2008 (5) MLJ 1349** and W.A(MD)



No.511 of 2011, dated 27.06.2011 (State of Tamil Nadu Vs. Louis), which was confirmed by the Hon'ble Apex Court in SLP.C.C.No.13056 of 2014, dated 25.08.2014 and the order of this Court in W.P(MD)No.58 of 2019, dated 28.02.2020.

6. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

7. From the averments made in the affidavit filed in support of the Writ Petition, it is seen that the petitioner has sent several representations dated 27.02.2017, 11.02.2018, 21.01.2019, 20.01.2020 and 24.02.2021.

8. In view of the above, without deciding the issue on merits, the respondents 3 and 4 are directed to consider the representation of the petitioner, dated 24.02.2021, seeking four advance increments to the petitioner for possessing higher qualification of M.Sc and M.Ed Degrees, taking into consideration the orders of the Division Bench of this Court in **R.Premkumari Vs. State of Tamil Nadu, rep. by its Secretary to Government and others** reported in **2008 (5) MLJ 1349** and W.A(MD)No.511 of 2011, dated 27.06.2011 (State of Tamil Nadu Vs. Louis), which was confirmed by the Hon'ble Apex Court in SLP.C.C.No.13056 of 2014, dated 25.08.2014 and the order of this Court in W.P(MD)No.58 of 2019, dated 28.02.2020 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

**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.



To

- 1.The Secretary,  
Department of School Education,  
Fort St. George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 006.
- 3.The Chief Educational Officer,  
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,  
Tirunelveli, Tirunelveli District.

+1 CC to M/s.A.AMALA, Advocate ( SR-18206[F] dated 30/04/2021 )

**W.P(MD)No.8723 of 2021**  
**28.04.2021**

RK(11.05.2021) 4P 6C