



W.P.(MD)No.799 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.799 of 2020

and

W.M.P.(MD)Nos. 575 & 577 of 2020

L.G.Asha Devi

... Petitioner

Vs.

1.The District Educational Officer,
Thallakulam,
Madurai-2

2.The Block Educational Officer
Madurai South Block II,
RMS Road,
Madurai.



W.P.(MD)No.799 of 2020

3.The Manager and Correspondent

L.V. Balusamy Iyer and Sons,
Middle School,
Mela Anuppanady,
Madurai-9.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to proceedings of the 1st respondent in Na.Ka.No. 3571/A5/2019 dated Nil.12.2019 and quash the same and direct the respondents to provide incentive increment for M.Phil course for the period from 18.01.2013 to 31.12.2018 to the petitioner.

For Petitioner : Mr.C.Godwin

For Respondents : Mr. S.Shaji Bino - R1 & R2
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned proceedings of the 1st respondent in Na.Ka.No.3571/A5/2019 dated Nil.



W.P.(MD)No.799 of 2020

WEB COPY

12.2019 and direct the respondents to provide incentive increment for M.Phil course for the period from 18.01.2013 to 31.12.2018 to the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner possessed B.A. Economics in the year 1986 and she did B.Ed., in Social studies under Annamalai University in the year 1988 and she was appointed as Secondary Grade Teacher in a leave vacancy in the third respondent School in the year 1989. Thereafter, she was appointed as regular Secondary Grade Teacher on 03.06.1991 and her appointment was approved in the year 1991. Thereafter, the petitioner was promoted as Headmistress in the third respondent School with effect from 01.04.1998 and she possessed M.A. Economics in the year 2004. The first respondent granted first incentive increment for possessing M.A. Economics in the year 2005. Thereafter, she completed M.Phil., Economics in the year 2008. The petitioner had approached the second respondent through School for second incentive increment for acquiring M.Phil degree. The second respondent provided the second increment from January 2019 by revising her scale of



W.P.(MD)No.799 of 2020

pay. Accordingly, she is drawing the salary with increment till December 2019. Thereafter, the petitioner approached the second respondent through School for second incentive increment arrears from 18.01.2013 to 31.12.2018. The second respondent approved the same, which was referred to the Block Educational Officer, Vadipatti, for verification, who returned the same stating that as per the proceeding of the Tamil Nadu Director of Elementary Education, Chennai, dated 24.08.2016, the petitioner is not eligible for second increment. The first respondent accepted the same and passed the impugned order returning the second incentive increment proposal for acquiring M.Phil degree for the period from 18.01.2013 to 31.12.2018. Challenging the same, the present writ petition is filed.

3. The learned counsel for the petitioner submitted that though the petitioner acquired first incentive increment on completion of M.A. Economics in the year 2004 and thereafter, the petitioner completed M.Phil in the year 2008 and she is entitled for second increment in terms of G.O. (D) No.18 School Education (E2) Department, dated 18.10.2013 and Government Letter No.129 School Education [Pa.Ka.5(2)] 2013 - 1, dated



W.P.(MD)No.799 of 2020

WEB COPY

17.07.2013, however, without considering the said Government Order and the subsequent letter, the first respondent mechanically denied the second incentive increment, is against law. Accordingly, she prayed for allowing the writ petition.

4. Per contra, the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the incentive increment for M.Phil degree course is admissible only to the B.T. Assistant in High and Higher Secondary Schools, P.G. Assistants, High School Headmasters and Higher Secondary School Headmasters. No other category of teachers are eligible for incentive increment for M.Phil. This provision has been confirmed in Na.Ka.No.083158/K/E1/2009 dated 20.11.2015 by the Director of Schools. Moreover the Director of Elementary Education, Chennai, has specifically instructed in Na.Ka.No.017731/E1/2015, dated 21.08.2016 that the Primary School Headmasters are eligible for incentive increment for the degrees in the subjects Tamil, English, Science, Maths and Social Science and not eligible for other subjects. The petitioner studied only Economics in M.Phil and hence, she is not eligible for any incentive



W.P.(MD)No.799 of 2020

increment. The incentive increment which was erroneously sanctioned to the petitioner, has to be got back. Hence, he prayed for dismissal for the writ petition.

5. Heard, the learned counsel appearing for the petitioner and learned Special Government Pleader appearing for the respondents 1 and 2.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Secondary Grade Teacher in the year 1991 and it is also an undisputed fact that the petitioner's appointment was approved in the year 1991. Thereafter, the petitioner acquired higher qualification M.A. Economics and got first incentive increment for passing M.A. Economics in the year 2004. Thereafter, the petitioner claims that she possessed M.Phil Economics degree in the year 2008, for which, she was granted increment in the year 2019. However, she claimed that she is entitled for incentive increment from 18.01.2013 onwards, when she completed M.Phil degree and revised proposal was sent for approval of increment from 18.01.2013 to 31.12.2018. However the same was refused



W.P.(MD)No.799 of 2020

WEB COPY

to be granted in favour of the petitioner on the ground that the petitioner was not entitled for second incentive increment on the ground that the petitioner not acquired the related subject. The present writ petition is filed only on the sole ground that the petitioner is entitled for second incentive increment in terms of G.O.(D) No.18 School Education (E2) Department, dated 18.10.2013 and Government Letter No.129 School Education [Pa.Ka. 5(2)] 2013 - 1, dated 17.07.2013.

7. This Court perused the Government Order. On perusal of the Government Order reveals that second incentive increment for M.Phil degree course is admissible only to the B.T. Assistant worked in High and Higher Secondary Schools, P.G. Assistants, High School Headmasters, Higher Secondary School Headmasters. No other category of teachers are eligible for incentive increment for M.Phil and the said provisions are confirmed by the respondent vide letter in Na.Ka.No.083158/K/E1/2009 dated 20.11.2015. Since the petitioner working as Middle School Headmistress and she is eligible for only degree in the subject of Tamil, English, Maths, Science, Social Science and in view of the above said



W.P.(MD)No.799 of 2020

WEB COPY

Government Order, the petitioner is not entitled for second incentive increment from 2013.

8. Accordingly, this writ petition is dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

14.12.2022

Index : Yes / No

Speaking Order : Yes / No

RM



W.P.(MD)No.799 of 2020

To
WEB COPY

- 1.The District Educational Officer,
Thallakulam,
Madurai-2
- 2.The Block Educational Officer
Madurai South Block II,
RMS Road, Madurai



WEB COPY



W.P.(MD)No.799 of 2020

M.DHANDAPANI,J.

RM

W.P.(MD)No.799 of 2020

14.12.2022