



W.P.(MD)No.2041 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2041 of 2020

W.M.P(MD).Nos.1713, 1714 and 21920 of 2020

N.Sunitha Rani

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Principal Secretary to Government
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.

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

3. The District Educational Officer
Kuzhithurai Educational District,
Kanyakumari District

4.The Block Educational Officer-I,
Munchirai Block, Kanyakumari District.

... Respondents



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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 the impugned Government letter issued by the 1st Respondent in Letter No.3702/Tho.ka(2)/2017 dated 10-10-2017 and the subsequent impugned order issued by the 4th respondent in Na.Ka.No. 88/A/2019 dated 19-03-2019 and to quash the same and consequently directing the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed.Degree with all consequential and other attendant benefits.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed to call for the records relating to the impugned Government letter issued by the 1st respondent in Letter No. 3702/Tho.ka(2)/2017 dated 10-10-2017 and the subsequent impugned order issued by the 4th respondent in Na.Ka.No.88/A/2019 dated 19-03-2019, quash the same and consequently direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed. Degree with all consequential and other attendant benefits.



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2. The case of the petitioner is that the petitioner was appointed as Secondary Grade Teacher in Elementary Education in the year 1990 and while she was in service, she was qualified with B.Lit (Tamil) in the year 1996. Based on the same, she was given promotion as Tamil Pandit on 03.01.2003. Thereafter, she was promoted to the post of Middle School Headmaster on 14.10.2004. In the year 2011, she has completed B.Ed degree. As per G.O.Ms.No.42, Education Department dated 10.01.1969, she was granted with incentive increment for having acquired B.Ed., degree. Whenever B.Ed., degree is acquired, it is considered to be an additional qualification for the teacher promoted based on B.Lit./B.A., degree. Since the petitioner has acquired B.Ed., degree, she was paid the incentive increment. However, without issuing any notice, the first respondent has passed the impugned order on 10.10.2017 stating that a teacher, who was appointed as Tamil Pandit based on B.Lit./B.A., qualification and thereafter was promoted to the post of Middle School Headmaster, is not entitled for incentive increment for acquiring B.Ed., degree qualification. Thereafter, the 4th respondent has issued the consequential proceedings dated



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19.03.2019. Challenging the same, the present writ petition has been filed.

3. The learned Government Advocate appearing for the respondents would submit that the essential qualification for the post of Middle School Headmaster is B.Ed., degree and it is not an additional qualification. However, inadvertently, she was granted with incentive increment. Hence, the impugned orders have been passed and it cannot be interfered with.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as Secondary Grade Teacher and based on the qualification of B.Lit(Tamil), she was given promotion to the post of Tamil Pandit. Thereafter, she was promoted to the post of Middle School Headmaster. The petitioner claims that as per G.O.Ms.No.42, Education Department dated 10.01.1969, the petitioner was granted with incentive increment for having acquired B.Ed., degree whereas the respondents claim



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that the necessary qualification for the post of Middle School Headmaster is B.Ed., degree. However, before passing the impugned consequential proceedings by the fourth respondent, no opportunity was granted to the petitioner. Hence, the impugned consequential proceedings is clearly in violation of the principles of natural justice and it is liable to be quashed. Accordingly, the impugned consequential proceedings passed in Na.Ka.No. 88/A/2019 dated 19-03-2019 is quashed and the matter is remanded back to the fourth respondent for fresh consideration and passing appropriate orders, after affording opportunity to the petitioner within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22.12.2022

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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