



WEB COPY



W.P.No.3712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.3712 of 2023

M.Boopathy

... 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 Elementary Educational Officer,
Namakkal District,
Namakkal.

4.The Block Educational Officer,
Kollimalai,
Namakkal.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
seeking for a Writ of Mandamus, directing the respondents to sanctioned



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two set of advance increments from date of acquiring higher qualification for B.A.(Economics) or M.A.(Economics) and B.Ed., in the light of the order passed by this Court in W.P.Nos.43155 to 43157 of 2016 and G.O.Ms.No.1023, Education, Science & Technology Department dated 09.12.1993 by considering the petitioner representation to the 2nd and 3rd respondents through 4th respondent on 03.11.2020.

For Petitioner : Mr.Sellapandian
for M/s.S.Mani

For Respondents : Mrs.R.Vijaya Devi
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner, wherein, the petitioner is seeking for advance increments from the date of acquiring higher qualification.

2.The case of the petitioner is that he was appointed as a Secondary Grade Teacher in the year 2000. The petitioner acquired the qualification of B.A.(Economics) in the year 2001 and M.A.(Economics) in the year 2012 and also B.Ed., in the year 2015. According to the petitioner, he is entitled for two advance increments by virtue of



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G.O.(Ms).No.42, Education Department, dated 10.01.1969 and
G.O.(Ms).No.1023, Education Department, dated 09.12.1993.

3.The petitioner made representations in this regard and since the same was not considered, the present writ petition has been filed before this Court.

4.Heard Mr.Sellapandian, learned counsel for the petitioner and Mrs.R.Vijaya Devi, learned Government Advocate appearing for the respondents.

5.It is seen from records that this Court on an earlier occasion had considered the very same issue in W.P.Nos.43155 to 43157 of 2016. In that case also, the petitioners had acquired the qualification of B.A.(Economics)/M.A.(Economics) and B.Ed. Considering the same, this Court held that the teachers, who had acquired higher qualification can be granted with two incentive increments equivalent to two advance increments, during their entire tenure of service.



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6.Yet another issue that was raised by the learned Government Advocate is that G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 has cancelled the grant of incentive increments and hence, the petitioner will not be entitled for the same. It is seen from records that there is a subsequent Government Order passed in G.O.(Ms).No.116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020, wherein, it has been made clear that the cancellation of incentive increments will apply only to those who are appointed after 10.03.2020.

7.In the light of the above discussion, this Court is inclined to direct the respondents 2 and 3 to consider the representation made by the petitioner on 03.11.2020 on its own merits and in accordance with the relevant G.Os and in the light of the observations made by this Court in the earlier writ petition as well as in this writ petition. A final order shall be passed within a period of six (6) weeks from the date of receipt of a copy of this order.



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8.This Writ Petition is disposed of with the above directions. No costs.

09.02.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case: Yes/No
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To

- 1.The Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
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N.ANAND VENKATESH, J

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