



WEB COPY



W.P.No.33560 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM :

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.No.33560 of 2019

and

W.M.P.No.34026 of 2019 and W.M.P.No.6872 of 2020

R.Nirmala

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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,
Nagapattinam District,
Nagapattinam.

4.The Additional Assistant Elementary
Educational Officer,
Thirumarugal, Nagapattinam District.

5.The Block Educational Officer-II,
Thirumarugal Union,
Nagapattinam District.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned Government Letter issued by the first respondent in Letter No.3702/Tho.Ka(2)/2017 dated 10.10.2017 and the subsequent impugned order issued by the fifth respondent in Na.Ka.No.389/A2/2019 dated 19.07.2019 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 revision scale of pay with reference to recommendations of VIIth Pay Commission.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents : Mr. T.Chezhan
Additional Government Pleader

ORDER

The petitioner has filed the present writ petition seeking issuance of a Writ of Certiorarified Mandamus, calling for the records in Government Letter No.3702/Tho.Ka(2)/2017 dated 10.10.2017 on the file of the first respondent and the impugned order in Na.Ka.No.389/A2/2019 dated 19.07.2019 on the file of the fifth respondent and to quash the same and consequently direct the respondents to pay the incentive increment to the petitioner together with revision scale of pay in line with the recommendation of the VII Pay Commission.



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2. The petitioner's case is that she was initially appointed as a Secondary Grade Teacher in Elementary Education on 09.08.1988 and subsequently, she was promoted as Primary School Head Master on 04.01.2002. Since she is qualified with B.Lit., (Tamil), she was promoted to the post of Tamil Pandit on 05.12.2007 and thereafter, promoted as Middle School Head Master on 02.06.2008. As the petitioner has completed B.Ed., degree in December 2010, she was granted incentive increment in line with G.O.Ms.No.42, Education Department dated 10.01.1969. In terms of G.O.Ms.No.107, Education Department dated 20.01.1976, a Tamil Pandit Grade-I, who was not required to possess B.T. for initial appointment and Grade-II Tamil Pandit was allowed two sets of advance increments as incentive increments for acquiring the qualification of B.T./B.Ed.

3. Therefore, according to the petitioner, she is eligible for grant of incentive increments since she has subsequently acquired B.Ed. qualification. The first respondent has issued an order dated 10.10.2017 holding that a teacher appointed as Tamil Pandit based on B.Lit./B.A. qualification and subsequently, promoted to the post of Middle School Head Master was not entitled for incentive increment even though such teacher had acquired a B.Ed., degree.



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4. The proceedings in the form of notice dated 25.01.2018 was served on the petitioner informing the petitioner that the petitioner was not entitled for incentive increment.

5. The said order of the first respondent and the consequent notice are under challenge in the present writ petition.

6. The learned counsel for the petitioner invites the attention of this Court to the order in W.P.No.22907 of 2021 dated 27.10.2021. In an identical matter, this Court has followed the earlier orders passed by the Madurai Bench of this Court in W.P.(MD).No.21368 of 2014 and W.P.(MD).No.4332 of 2015 and allowed the writ petition by quashing the impugned order in the said W.P.No.22907 of 2021 and directed the respondents to pay the incentive increments in terms of the earlier order of the Government.

7. Though the learned Additional Government Pleader for the respondents would submit that an appeal has been filed in one of the cases and interim order has also been passed, the counsel is unable to produce the interim order of the said writ appeal.



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8. It is also seen that this Court even earlier in W.P.No.7595 of 2012 by an order dated 07.11.2014, has taken similar view and allowed the writ petition and directed that incentive increment to be paid to the petitioner for acquiring the qualification of B..Ed. degree.

9. Considering the fact that this Court has been consistently passing similar orders, the impugned proceedings in this writ petition are liable to be quashed and consequently, this Court also directs that the petitioner would be entitled for incentive increments. This Court is inclined to follow the earlier orders passed by this Court and in line with the same, this Writ Petition is allowed as prayed for. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

13.06.2023

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes / No

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To

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P.B.BALAJI, J.

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