



W.P.(MD)No.14050 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.14050 of 2020

J.Dharmaraj

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Chennai.

2.The Director of School Education,
College Road,
Chennai.

3.The Joint Director of School Education,
College Road,
Chennai.

4.The District Educational Officer,
Dindigul District, Dindigul.

5.The Correspondent,
Dudley Higher Secondary School Dindigul,
Dindigul District.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 1 to 4 to



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grant the benefit of incentive increment to the petitioner for his qualification of M.Com., or B.Ed., degree in the light of the G.O.Ms.No.240 dated 18.08.2010 with effect from 18.08.2010 thereby re-fixing the petitioner basic pay on par with the similarly placed persons who have joined and got their services regularized along with the petitioner and granted the benefit of incentive increment for their qualification with effect from 18.08.2010 with all accrued benefits based on the petitioner's representation dated 05.10.2019 and 23.09.2020 within a stipulated period.

For Petitioner	: Mr.B.Prahalad Ravi
For R-1 to R-4	: Mr.S.Saji Bino, Special Government Pleader

ORDER

This writ petition has been filed, seeking for a direction to the respondents 1 to 4 to grant the benefit of incentive increment to the petitioner for his qualification of M.Com., or B.Ed., degree in the light of G.O.Ms.No.240, School Education Department, dated 18.08.2010, with effect from 18.08.2010 and thereby, refix the petitioner's basic pay on par with the similarly placed persons, who have joined and got their services regularized along with the petitioner and granted the benefit of incentive increment for their qualification with effect from 18.08.2010 with all



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accrued benefits based on the petitioner's representation dated 05.10.2019 and 23.09.2020, within a stipulated period.

2. The case of the petitioner is that the petitioner was appointed as Vocational Instructor Grade-I on 26.08.1988 and his services were regularized in the year 1992. Subsequently, he was promoted as P.G., Assistant and thereafter, as Headmaster. It is the further case of the petitioner that the basic qualification for appointment to the post of Vocational Instructor was B.Com., degree. Even before appointment, the petitioner's qualification is M.Com., M.Phil. Subsequent to the appointment, the petitioner completed B.Ed., degree and the same had been taken note of by the authorities concerned. Subsequently, the petitioner completed B.L., degree. However, the official respondent had not given the benefit of incentive increment to the petitioner for the qualification acquired by him. While the matter stood thus, the first respondent has passed G.O.Ms.No.240, dated 18.08.2010, exclusively for the benefit of incentive increment to the Vocational Teachers. As per the said G.O., the petitioner is entitled for the benefit of incentive increment for acquiring M.Com., or B.Ed., qualification. Since the same was not



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done in the case of the petitioner, the petitioner made several representations and finally, he made a representation on 23.09.2020. Since the same was not considered, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondents 1 to 4, to consider the representation of the petitioner, dated 23.09.2020.

4. The learned Special Government Pleader appearing for the respondents would submit that there was no scheme of granting incentive increment for Vocational Instructors in the Rules at the relevant point of time. The Government passed G.O.Ms.No.240 dated 18.08.2010, to grant incentive increments for Vocational Teachers. However, the incentive increments have to be paid only from the date of issuing of Government Order. It is evident from the records that the petitioner was not Vocational Instructor as he was promoted as P.G. Assistant in the year 2005 itself and became Headmaster in the year 2009. Therefore, he cannot claim a benefit earmarked for Vocational Instructors after vacating



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the post and hence, prays for dismissal of this writ petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner joined the services as Vocational Instructor in the year 1988 and his services were regularized by the respondents in the year 1992. Subsequently, he was promoted as P.G. Assistant in the year 2005 and thereafter, promoted as a Headmaster in the year 2009. He acquired the degree of M.Com., on 22.10.1986 and B.Ed., on 28.03.1994. Now, the petitioner made representation on 05.10.2019 and 23.09.2020 seeking to grant the benefit of incentive increment to the petitioner for acquiring M.Co.m, or B.Ed., in the light of G.O.Ms.No.240 dated 18.08.2010 with effect from 18.08.2010. Further, the petitioner acquired M.Com., as early as on 20.10.1988 and B.Ed., on 28.03.1994. However, he made a representation only in the year 2019, which is a belated one. Moreover, it is an admitted fact that the petitioner was not Vocational Instructor in the year 2010 as he was promoted as P.G. Assistant in the year 2005 itself and became



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Headmaster in the year 2009. Further, the petitioner also retired from service in the year 2020 and therefore, the prayer made in the writ petition is misconceived and the same cannot be granted.

7. In the result, this writ petition is dismissed. No Costs.

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PM

NCC:Yes/No

Index:Yes/No



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M.DHANDAPANI, J.

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