



W.A(MD)No.1162 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A(MD)No.1162 of 2023

and

C.M.P(MD)No.8877 of 2023

- 1.The Director of Elementary Education,
College Road, Chennai 006.
- 2.The District Educational Officer,
Office of the District Educational Office,
Paramakudi, Ramanathapuram District.
- 3.The Block Development Officer-I,
Office of the Block Development Office,
Paramakudi-SB401,
Ramanathapuram District. : Appellants/Respondents 1 to 3

Vs.

- 1.J.Shanthi Pushpakumari
Headmistress,
TELC Primary School,
Venkittankurichi,
Paramakudi,



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WEB COPY Ramanathapuram District.

: 1st Respondent/Writ Petitioner

2.The Correspondent,
TELC Primary School,
Venkittankurichi,
Paramakudi,
Ramanathapuram District.

: 2nd Respondent/4th Respondent

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.01.2023 passed in W.P(MD)No.2719 of 2020 on the file of this Court.

For Appellant : Mr.D.Sadiq Raja
Additional Government Pleader

For R1 : Mr.C.Venkatesh Kumar

J U D G M E N T

(order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.)

This Writ Appeal is directed against the order of the learned Single Judge of this Court, dated 10.01.2023 made in W.P(MD)No.2719 of 2020. By the said order, the learned Single Judge allowed the writ petition filed by the respondents herein thereby setting aside the order



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impugned in the writ petition and directing the respondents to grant incentive increment for the petitioner for acquiring higher qualification ie., M.A. degree. By the order impugned in the writ petition dated 10.09.2019, the request of the petitioner for grant of incentive increment for acquiring of higher qualification stood rejected. The incentive increment was rejected on the ground that when the petitioner originally possessed B.A., and B.Ed., degrees and was however appointed as Secondary Grade Teacher, she had given an undertaking that she will not claim any incentive for possessing higher qualification.

2. The facts are not in dispute. The petitioner was initially appointed as Secondary Grade Teacher on 29.04.1998 and at that time, she had possessed B.A. History and B.Ed. degree. The qualification prescribed for the post of Secondary Grade Teacher is only a pass in Teacher Training Course. However, since the petitioner with qualification of B.T. Assistant was appointed with a special permission at the time of approval of appointment, an undertaking has been taken from the petitioner that she will not claim any incentive increment for possessing



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higher qualifications. But however, after appointment, she subsequently completed M.A. degree in History in the year 2013 and when incentive has been claimed for the said degree, the same was rejected based on the undertaking. Since the higher qualification ie., B.A., and B.Ed., were taken in lieu of the original qualification of possessing Teacher Training Course, an undertaking was obtained from the petitioner. But however, that cannot be applied for further higher qualification obtained thereafter. This issue was already considered and answered by this Court in *W.A(MD)No.511 of 2011- State of Tamil Nadu Vs. Louis Rani* and the Special Leave Petition preferred by the respondents was also dismissed and thereafter, the said judgment was implemented. Thereafter, the said dictum has been followed specifically in other cases. Therefore, the learned Single Judge of this Court following the said ratio allowed the writ petition.

3. The learned Additional Government Pleader appearing on behalf of the appellants has no answer in respect of the above legal position.



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WEB COPY 4. In view thereof, finding no merits, the Writ Appeal is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]

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sjj

NCC : Yes / No

Index: Yes/No

Internet: Yes/No



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S.S.SUNDAR, J.
AND
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