



W.A.(MD)No.204 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.204 of 2020
and C.M.P.(MD) No.1399 of 2020

The Additional Assistant Elementary Educational Officer,
Ambasamudram – 627 401,
Ambasudram Taluk,
Tirunelveli District.

... Appellant

Vs.

1.N.Suseela

2.The Manager,
Sanaithalaivar Primary School,
Vickramasingapuram – 627 425,
Tirunelveli District.

...Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 01.04.2019 made in W.P.(MD)No.4328 of 2011 on the file of this Court.

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



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For Respondents : Mr.VR.Venkatesan for R1

No appearance for R2

JUDGMENT

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The Writ Appeal has been directed against the order dated 01.04.2019 passed in W.P.(MD)No.4328 of 2011.

2. Admittedly, the first respondent was appointed as a Secondary Grade Teacher. She was possessing the qualification of B.Ed., and M.Ed. and submitted an application seeking incentive increments under the Government Scheme. The claim of the first respondent to grant incentive increments for possessing educational qualification of B.Ed., and M.Ed., were rejected and thus, the first respondent instituted the Writ Proceedings, challenging the order dated 03.08.2010, passed by the appellant. The Writ Court considered the issues and allowed the Writ Petition with a direction to grant two incentive increments for possessing the educational qualification of B.Ed. and M.Ed., against which, the present Writ Appeal has been preferred.



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3. Learned Additional Government Pleader appearing on behalf of the appellant mainly contended that the teachers, who all are eligible for appointment to the post of Graduate Teachers, are appointed as Secondary Grade Teachers and they are eligible to draw incentive increment for possessing the additional qualification of M.Ed., alone and those teachers are not eligible to get incentive increment for the qualification of B.Ed. Learned Additional Government Pleader says that there is no impediment for granting one incentive increment for possessing M.Ed. Qualification. Therefore, the said relief alone is to be granted.

4. Learned counsel appearing on behalf of the first respondent has no serious objection for granting one incentive increment for M.Ed., qualification alone and the first respondent has not insisted for granting incentive increment for possessing B.Ed., qualification.

5. In view of the said submission, the order impugned dated 01.04.2019, passed in W.P.(MD)No.4328 of 2011, is modified and accordingly, the appellant is directed to sanction one incentive increment for possessing M.Ed., qualification to the first respondent and accordingly, settle all the terminal and pensionary



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benefits due to the first respondent within a period of twelve weeks from the date of receipt of a copy of this Court.

6. Accordingly, the Writ Appeal stands allowed partly. No costs.

Consequently, connected Civil Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
28.11.2023

NCC : Yes / No

Index : Yes / No

SJ

To

The Additional Assistant Elementary Educational Officer,
Ambasamudram – 627 401,
Ambasudram Taluk,
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