



W.P.(MD)No.9763 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9763 of 2018

M.Gopalapillai

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its Principal Secretary to Government,
School Education Deparment,
St. George Fort,
Chennai -9.
- 2.The Director of School Education,
College Road, Chennai.
- 3.The Joint Director of School Education (Higher Secondary),
College Road, Chennai.
- 4.The District Educational Officer,
Thuckalay,
Kanyakumari District.
- 5.Bapuji Memorial Higher Secondary School
represented by its Secretary,
Nazerath Charles,
Manavalakurichy Post,
Kanyakumari District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of declaration, declaring that the impugned G.O.(Ms.)No.240, School Education Department, dated 18.08.2010 issued by the first respondent in so far as it restricts the incentive increment to either P.G. Diploma (EEE) or B.E. in the Annexure column as illegal and the consequential communication in O.Mu.No. 621/A3/2018, dated -02.2018 signed on 02.03.2018 issued by the fourth respondent as illegal and consequently to direct the respondents 1 to 4 herein to provide second incentive increment for acquiring post graduation in Diploma in Electrical Engineering in 2012 to the petitioner with all attended benefits, within the time limit fixed by this Court.

For Petitioner : Mr.V.R.Shanmuganathan
for M/s. S.Manikandan
For R1 to R4 : Mr.T.Amjad Khan
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Declaration, to declare that the impugned G.O.(Ms.)No.240, School Education Department, dated 18.08.2010, issued by the first respondent in so far as it restricts the incentive increment to either P.G. Diploma (EEE) or



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B.E. in the Annexure column as illegal and the consequential communication in O.Mu.No.621/A3/2018, dated -02.2018 signed on 02.03.2018 issued by the fourth respondent as illegal and consequently direct the respondents 1 to 4 to provide second incentive increment for acquiring post graduation in Diploma in Electrical Engineering in 2012 to the petitioner with all attendant benefits.

2. The case of the petitioner is that he was appointed as Part Time Vocational Instructor in the fifth respondent School in the year 1984 and his service was regularised on 01.04.1990. He has been sanctioned with incentive increment for acquiring higher qualification ie., Bachelor of Engineering (B.E.) in the year 1993. After obtaining prior permission from the concerned authorities, he persuaded post graduation in Diploma in Electrical Engineering and completed the same in the year 2012. Thereafter, he has made an application to the fourth respondent, requesting him to grant incentive increment for acquiring P.G. Diploma. But the fourth respondent has rejected the petitioner's request by the impugned order dated 02.03.2018. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner would submit that the petitioner is entitled for two increments, in which he has already received one increment on completion of B.E., degree, whereas his claim for second incentive increment for obtaining P.G. Diploma in (EE) is denied, which is not sustainable one. Hence, he prayed for appropriate orders.

4. The learned Government Advocate appearing for the respondents would submit that admittedly, the petitioner entered into service in the fifth respondent School in the year 1984 with Diploma certificate and after entering into service, he has completed B.E. degree, for which he was given one incentive increment. In terms of G.O.(Ms.)No.240, School Education Department, dated 18.08.2010, the petitioner is entitled to only one increment on completion of P.G. Degree, for which the petitioner has completed B.E. Degree. Hence, he is not entitled for second incentive increment and he prayed for dismissal of this writ petition.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 4.



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6. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the fifth respondent School as Vocational Instructor in the year 1984. As per G.O.(Ms.)No.240, School Education Department, dated 18.08.2010, the petitioner is entitled for two incentive increments on completion of higher qualifications. Initially, the petitioner has acquired Diploma in Electrical Engineering. Thereafter, he acquired B.E., degree, thereby he was awarded with incentive increment, in terms of the above said G.O. Subsequently, the petitioner has obtained P.G. Diploma in Electrical Engineering, for which he has made an application seeking incentive increment. However, as per the said G.O., the P.G. Diploma (EE) is not higher qualification, the said Diploma and B.E., (EEE) are considered equal for awarding one incentive increment only and the petitioner has claimed second incentive increment contrary to the above said G.O. Hence, this Writ Petition is dismissed. No costs.

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M.DHANDAPANI,J.

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