



W.A.(MD).No.718 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.718 of 2016

and

C.M.P.(MD).Nos.4580 of 2016 and 7050 of 2018

- 1.The Director,
The Directorate of School Education,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Educational Department,
Theni,
Theni District.
- 3.The Headmaster,
Government Higher Secondary School,
Vadugapatti,
Theni District.

.. Appellants/Respondents

Vs.

S.Rajaram

..Respondent/Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 17.04.2012 passed in W.P.(MD).No.12816 of 2011 on the file of this Court and thereby allow this appeal.



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For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader
For Respondent : Mr.B.Prahalad Ravi

JUDGMENT

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

The Writ Appeal has been instituted challenging the order dated 17.04.2012 passed in W.P.(MD).No.12817 of 2011.

2. The issue raised in the Writ Appeal on hand is whether the respondent is entitled to get two incentive increments for the additional educational qualification possessed by him, i.e., M.Sc. Agriculture and B.Ed.

3. The learned Additional Government Pleader appearing for the appellants mainly contended that the Government issued G.O.Ms.No.240, School Education Department, dated 18.08.2010, prescribing eligibility criteria for grant of two incentive increments to the teachers in their entire service. The said Government Order unambiguously stipulates that for the post of Vocational instructors for Agriculture, B.Sc. Agriculture is the basic



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qualification and two incentive increments, one for M.Sc. Agriculture and another for M.Phil., or Ph.D., may be granted. It is not in dispute that the writ petitioner has already received one incentive increment for the educational qualification of M.Sc. Agriculture. The second incentive increment claimed for B.Ed. Degree was denied on the ground that the Vocational Instructors for Agriculture possessing B.Ed degree are not eligible to get incentive increment.

4. The learned counsel for the respondent raised an objection by stating that cases of similarly placed persons were considered on earlier occasions and two incentive increments were granted. In respect of the said submission, we are not inclined to consider the same, since any erroneous consideration or incorrect decision cannot be followed as a precedent and more so, in the present case, the scheme of incentive increment has been well enumerated by the Government in its order.

5. The scheme of incentive increment is a concession granted by the Government to the teachers to encourage them to acquire higher educational qualification for the benefits of the children studying in educational



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institutions. Since it is a concession, it is to be sanctioned strictly in accordance with the Government schemes and the Court cannot re-write the eligibility criteria already fixed by the Government for grant of incentive increment to the teaching staffs. Therefore, the learned Single Judge has failed to consider these aspects and granted incentive increment for the qualification of B.Ed degree in favour of the respondent, which is not contemplated under the scheme of incentive increment by the Government. In the event of extending the scope of the scheme, the same will result in financial loss to the Government as the scheme itself is extended by way of concession to the teachers. That being the factum, we find merit in the contentions raised by the appellants and accordingly, the order dated 17.04.2012 passed in W.P.(MD).No.12816 of 2011 is set aside.

6. The Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (V.L.N.,J.)
06.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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