



W.P.(MD) No.18655 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDERS RESERVED ON : 20.07.2023

ORDERS PRONOUNCED ON : 26.07.2023

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THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.18655 of 2016

M.Kamalam

... Petitioner

Vs.

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

2.Director of Elementary Education,
Chennai-6.

3.The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.

4.The Assistant Elementary Educational Officer,
Kalaiyarkovil Taluk (Union),
Sivagangai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus, to call for the records relating



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to the proceedings of the fourth respondent in Na.Ka.No.875/A1/2016 dated 13.06.2016 and quash the same and further direct the Respondents No.2 to 4 to allow incentive for the petitioner for completion of her B.Ed., degree.

For Petitioner : Mr.R.Balakrishnan
For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This writ petition has been filed against the order in Na.Ka.No. 875/A1/2016, dated 13.06.2016 issued by the Respondent No.4 refusing to allow incentive to the petitioner for completion of B.Ed., degree.

2. The facts of the case are that the petitioner was originally appointed as Secondary Grade Teacher at Panchayat Union Primary School at Thoothai, Tiruppuvanam Taluk, *vide* proceedings of the Respondent No.3 dated 02.01.1990 with education qualification of Higher Secondary Education and Diploma in Teacher Education. She was promoted as Primary School Headmaster at Panchayat Union Primary School,



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Kalasangudi, Kalaiyarkovil, in the month of June, 2000. Thereafter, she completed Bachelor of Literature (B.Lit.) in Tamil in the year 2005. Thereafter, she was promoted as B.T.Assistant on 17.12.2007. On 02.06.2010, she was promoted as Headmaster and posted at Panchayat Union Middle School, Karungalakudi. While working as B.T.Assistant, the petitioner completed her Master of Arts degree in Tamil in the month of December, 2008. She also completed B.Ed., degree in the month of December, 2015, while she was working as Headmaster of Middle School.

3. In the present case, on relying several Government Orders issued by the first respondent, wherein it is decided to provide incentive payment to the Teachers in Schools, who acquired higher educational qualifications, the petitioner contends that she is entitled for incentive after completion of B.Ed. With the said request, the petitioner made a representation to the respondents on 27.04.2016. The Respondent No.4, *vide* the impugned order dated 13.06.2016, refused the request of the petitioner to allow incentive for completion of B.Ed., degree. Hence, the present writ petition.



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4. Learned counsel for the petitioner contends that the impugned order passed by the Respondent No.4 is illegal, *mala fide* and utter violation to the principles of natural justice. As the petitioner acquired additional qualification, she is eligible for the incentive increments, as per the Government Orders issued time to time.

5. The learned Government Advocate appearing for the respondents contends that as the basic qualification for promotion as Head Master of the Middle School is a degree of any University in the State or a degree of equivalent standard and B.T., or B.Ed., degree of any University in the State, the petitioner already promoted as Middle School Headmaster, she is not entitled for any further incentive for acquiring B.Ed., degree. To substantiate his contention, the learned Government Advocate placed reliance on an order dated 23.09.2022 in W.P.(MD) No.3067 of 2022 and an order dated 24.02.2023 in W.P.(MD) No.424 of 2020 and batch of the Madurai Bench of this Court.



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6. Having considered the submissions of the respective counsels and upon careful perusal of the materials available on record and the reliances placed by the learned Government Advocate, this Court is left with no other option except to follow the ratio laid down in the said orders of this Court as stated *supra*. In the above mentioned orders, this Court has considered all relevant Government Orders and the case laws relied on by the respective counsels and held that as the B.Ed., degree is the basic qualification for promotion as Head Master of the Middle School, granting incentive for acquiring B.Ed., degree does not arise. This Court is of the opinion that the orders stated *supra* have to be followed by this Court in the present case also.

7. Accordingly, for the reasons stated above, this Writ Petition is dismissed.

8. However, there shall be no order as to costs.

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

26.07.2023

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BATTU DEVANAND, J.

abr

To

- 1.The Secretary to Government,
State of Tamilnadu,
School Education Department,
Fort St. George, Chennai.
- 2.The Director of Elementary Education,
Chennai-6.
- 3.The District Elementary Educational Officer,
Sivagangai District,
Sivagangai.
- 4.The Assistant Elementary Educational Officer,
Kalaiyarkovil Taluk (Union),
Sivagangai District.

Pre-delivery Order made in
W.P.(MD) No.18655 of 2016

26.07.2023