



W.P.(MD) No.22182 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.22182 of 2016

J.Santha Cruz

.. Petitioner

Vs.

1.The Director of Elementary Education,
College Road,
Chennai-600 006.

2.The District Elementary Educational Officer,
Tuticorin, Tuticorin District.

3.The Additional Assistant Elementary
Educational Officer,
Srivaikundam Union, Tuticorin District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent herein vide proceedings Na.Ka.No.1381/Aa1/2016 dated 14.07.2016 quash the same, and further direct the respondents herein to



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sanction one set of incentive increments for acquiring B.Ed., degree w.e.f. 06.01.2014 to the petitioner.

For Petitioner : Mr.A.Ajith Geethan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This writ petition has been filed against the order in Na.Ka.No. 1381/Aa1/2016, dated 14.07.2016 issued by the 2nd respondent refusing to allow incentive increment to the petitioner for completion of B.Ed., degree with a consequential direction to the respondents to sanction one set of incentive increments for acquiring B.Ed., degree w.e.f. 06.01.2014 to the petitioner.

2. The facts of the case are that the petitioner was originally appointed as Secondary Grade Teacher at Panchayat Union Primary School, Kadukai Valasai, Mandapam Union, Tuticorin District on 14.11.1986 with education qualification of Diploma in Teacher



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Education. He was promoted as Primary School Headmaster at Panchayat Union Primary School, Mankottapuram, Srivaikundam Union, Tuticorin District on 01.10.2004. Thereafter, he completed Bachelor of Literature (B.Lit) in Tamil during May, 2011. Thereafter, he was promoted as Middle School headmaster with Tamil Pandit qualification on 11.03.2013 and posted at Panchayat Union Middle School, Tholappan Pannai, Srivaikunda Union, Tuticorin District. While working as Middle School Headmaster, the petitioner completed B.Ed., degree on 05.01.2014.

3. The school submitted proposal to the 3rd respondent on 20.08.2015 requesting to sanction one set of incentive increments to the petitioner in the cadre of Middle School Headmaster post with Tamil Pandit qualification for obtaining higher qualification viz., B.Ed. However, the 3rd respondent returned the proposal vide proceedings in O.Mu.No.1065/Aa2/15 dated 12.10.2015 refusing incentive increment to the petitioner for acquiring B.Ed., degree stating that the Middle School Headmaster with Tamil Pandit post was not eligible to get incentive



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increment for B.Ed., degree, as per the 2nd respondent's proceedings in Na.Ka.No.1619/Aa2/2014, dated 09.06.2014. Hence, the petitioner made a representation to the 2nd respondent on 05.01.2016. The 2nd respondent, *vide* the impugned proceedings refused the request of the petitioner to allow incentive increment for completion of B.Ed., decree. Hence, the present writ petition.

4. Learned counsel for the petitioner contends that the impugned order passed by the 2nd respondent is illegal, *mala fide* and utter violation to the principles of natural justice. As the petitioner acquired additional qualification, he 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 Headmaster 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, he is not entitled for any further incentive increment for



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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.

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 Headmaster 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.



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

30.08.2023

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

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BATTU DEVANAND, J.

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