



W.P.No.4018 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 20.02.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4018 of 2024 and
WMP.No.4343 of 2024

- 1 M.Bathirasamy
- 2 M.Ramkumar
- 3 S.Vithya
- 4 S.Hemalatha
- 5 P.Nithya
- 6 T.Tamizharasan
- 7 7.S.Vasanthi
- 8 E.Ajantha
- 9 D.Deivasigamani
- 10 1R.Ranjani
- 11 11K.Lavanya
- 12 G.Mahimai Doss
- 13 K.Sumathi
- 14 N.Kowsalaya
- 15 Shanmuga Priya
- 16 M.Jacquelin Jenova Mary
- 17 S.Nithya
- 18 18.M.Boobalan
- 19 19.S.Murali
- 20 K.Veerasekaran
- 21 21V.Mallika
- 22 K.Manathunai Nathan
- 23 T.Bala Iranian
- 24 S.Jeyaveni
- 25 P.Shanthi
- 26 M.Subramanian
- 27 A.Tamizharasan



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- 28 A.Peruma
29 K.Arulanandam
30 A.Velankanni
31 3N.Vanitha
32 P.Mercy
33 B.Rajendran
34 D.Santhi
35 C.S.Vijayalakshmi
36 A.Geetha
37 S.Rathinasamy
38 R.Manickarani
39 P.Ambikapathi
40 P.Suseela
41 R.S.Umadevi
42 P.Sujatha
43 D.Sheela Devi
44 R.Hemavathi
45 K.Rani
46 J.Sathiya Priya
47 K.P.Murugan
48 4T.Kavitha
49 P.Ramakrishnan
50 K.Rathinaswamy
51 V.Jagadhiswari
52 C.Pushpalatha
53 V.Muthukrishnan
54 S.M.Santhi
55 T.Merina Selvi Rubi
56 J.Gnanammal
57 A.Saridha
58 A.Arivukodi
59 K.Pugalendi
60 M.Ameenabi
61 S.Selvam
62 M.Sumathi
63 M.Sagaya Amalorpavam
64 K.Jegadeesan
65 K.Sowjanya Sagila



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- 66 A.Kavitha
67 N.Sethamarai
68 A.Brinda
69 S.Guhan
70 S.Venkatesh
71 R.Seetharaman
72 K.Sivaraman
73 R.Balaraman
74 Y.Sheela Santha Kumari
75 M.B.Dhanalakshmi
76 K.Subramani
77 S.Rani
78 O.S.Karthikeyan
79 A.E.Gireja
80 S.Kumaravel
81 M.Sasikala
82 K.J.Latha
83 R.Dananjayan
84 D.Esther Rani
85 S.Dhanalakshmi
86 M.G.Kumar
87 K.G.Saravanan
88 K.Subramaniyan
89 S.Srinivasan
90 K.Bhuvaneswari
91 M.Anu Radha
92 G.Mala
93 R.Roselin
94 R.Rajalakshmi
95 T.Shobana
96 G.Porkkodi
97 V.Vijayakumari
98 K.Bhavani
99 K.Ponmudi
100 K.Raja
101 V.Rajendran
102 A.Vincent
103 M.Mala
104 R.Antony Preetha



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- 105 C.Krishnamoorthi
106 P.Jayanthi
107 S.P.Rajaboopathi
108 S.Vijaya Nirmala
109 M.Sivasundari
110 R.Radhakrishnan
111 A.Murugadoss
112 K.Vembu
113 S.Balasubramaniam
114 T.Gurumoorthi
115 M.Shakila Anandhi
116 S.Prema
117 N.Jothi
118 P.Vinotha
119 U.Vijayasagayam
120 S.Palanisamy
121 K.Kumuthavalli
122 S.Rajarajeswari
123 G.Thenmozhi
124 N.Subramanian
125 K.Punitha
126 P.Preetha
127 V.C.Sasikala
128 S.R.Dharmalingam
129 M.Ranganayaki
130 N.Kowsalya
131 K.Yuvavathi
132 N.Viajayakumar
133 K.Saraswathi
134 R.Vasanthi
135 P.Vasanthamani
136 C.Gunasekari
137 M.Mythili
138 R.Yamuna
139 K.Manoharan
140 C.Deepa
141 L.Mohan Babu
142 K.Kalpana
143 C.Nidhya



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- 144 M.Vasantha
145 S.Manjula
146 K.Devi
147 R.Renuka Devi
148 K.Kumar
149 P.Jeeva
150 A.Samboornam
151 S.Kavitha
152 S.L.Uma
153 M.Gowri
154 S.Chithra
155 D.Saravanan
156 J.Amala Rani
157 M.Punnagai Mary
158 C.Mani
159 A.Kanagaraj
160 V.Janaki
161 V.Deepamani
162 R.Rajathi
163 K.Govindammal
164 J.Nancy
165 P.Gowthami
166 N.Geetha
167 K.Jancy Rani
168 A.Roshnajohn
169 K.Kavitha
170 A.Kalamani
171 C.J.Sheeba Rosalin
172 M.Ravichandran
173 S.V.Mallika
174 S.Sheeba Josephin
175 J.Prema
176 T.Ramesh
177 D.Samuel
178 A.Poongothai
179 C.Selvi
180 M.Karthiveni
181 P.Gnanarathinam
182 S.Sarath Arulmaran



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- 183 G.Kiruthiga
184 S.Kumar
185 A.Akila
186 E.Latha Jayakumari
187 D.Parimala Ezilarasi
188 Y.Janci Priya
189 D.Vidhya
190 M.S.Shahar Banu
191 K.Kalanithi
192 A.Bindharasi
193 T.P.Valli
194 M.Daisy
195 G.Padmavathi
196 R.Senthamarai
197 N.Leelavathi
198 G.Vithya
199 A.Johnmary
200 M.Balambigai
201 K.Gunasundari
202 U.Selvi
203 M.Vijaya
204 R.Malathi
205 A.Pushpavathi
206 V.Arulmurugan
207 A.Shanthi
208 R.Saravanan
209 A.Senthil Kumar
210 M.Prakash
211 K.T.Bhuvaneswari
212 P.Pushpakala
213 K.Selva Lalitha
214 N.Revathi
215 N.Murugan
216 S.Anitha
217 R.Saranya
218 G.Josephin Mary
219 T.Sahaya Selvaraja
220 S.Alice Jebamani
221 K.Priya



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- 222 M.Kalpana
223 E.Rajasekari
224 S.Shaitha Begum
225 D.Sandhiya
226 S.Maheswari
227 S.Saritha
228 V.Muthulakshmi
229 R.Senthilnathan
230 C.S.Indhumathi
231 J.Suguna
232 M.Saravanamoorthy
233 J.Ruth Susan Balantyne
234 D.Usha
235 M.Mahalakshmi
236 P.M.Grace Nayai
237 P.S.Renuka
238 D.Doss
239 M.Dhinakar
240 L.Maria Borna Revathy
241 U.Velanganni
242 A.C.Sivakumar
243 S.Sofia Rani
244 P.K.Jayasankar
245 S.Rajeswari
246 S.Indumathi
247 L.Arul Jothi
248 S.Chithra
249 S.Jayarani
250 P.Samathanam
251 G.Leema Rose
252 R.Sheeba
253 A.Sathiyakuamri
254 J.Kulandai Theresammal
255 M.Juliet Prakasi
256 P.R.Jeyalakshmi
257 L.Anitha
258 T.C.Rosario
259 N.Deivayanai
260 L.Sundarraaj



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- 261 V.Virgin Mary
- 262 M.Padmavathy
- 263 S.Revathy
- 264 V.Vani
- 265 G.Vijayam
- 266 M.K.Revathy
- 267 S.David Jebakumar
- 268 J.Joyce Mary
- 269 K.Mary
- 270 S.Usha
- 271 D.Beril Gnanapushpam
- 272 A.Mangayarkarasi
- 273 L.Lakshmanan
- 274 S.Saraswath
- 275 K.Shenbagavalli
- 276 M.S.Helen Margaret
- 277 S.Alagulakshmi
- 278 J. Benny Samraj
- 279 D.Gopal
- 280 A.Velankanni
- 281 T.Sangeetha
- 282 F.Roselin Nisha
- 283 S.Vathsala
- 284 D.Jesi Sathya Rani
- 285 G.C.Celina Mary
- 286 R.Thirumala
- 287 D.Gopal
- 288 M.Amul
- 289 R.Gajalaskhmi
- 290 P.Ramya
- 291 G.Shyamala
- 292 M.Hemalatha
- 293 R.Latha
- 294 R.Gnanasoundari
- 295 T.Mahalakshmi
- 296 C.Purushothaman
- 297 S.Ramola Mabel
- 298 R.Mumtaj Begum
- 299 K.Latha



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- 300 S.Kavitha
301 G.Sudha
302 P.Viajayalakshmi
303 V.Indumathi
304 B.Sudha
305 M.Iarin
306 C.Lalitha Devi
307 G.P.Gayathri
308 R.Selvarani
309 T.Tamilarasi
310 V.Meenakshi
311 K.Aruna
312 R.Premalatha
313 K.Dhanalakshmi
314 A.Porkodi
315 S.Lurthu Mary
316 V.S.Kavitha
317 V.Subramaniam
318 M.Krishnakumari
319 S.Arul Jothi
320 S.Dhanalakshmi
321 A.EMACULATE RANI
322 R.VIOLET ROSELIN
323 S.PATRICIA
324 B.KANCHANA
325 B.UMAMAHESWARAN
326 S.LALITHA
327 B.MOGANA
328 S.SARASWATHI
329 .A.RAVI
330 S.SOWTHAMI
331 P.CHITHRA
332 V.ANBU
333 R.KRISHNAMOORTHY
334 J.KAVITHA SELVAKUMARI
335 C.PRAKASH
336 B.JEEVA
337 .M.SASIKALA
338 M.KANNADHASAN



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- 339 S.THIRUNAVUKKARASU
340 M.BALAMANI
341 R.STELLA
342 A.PREMA SELVA KUMARI
343 .M.VENNILA
344 K.SAWOOD AHMED
345 L.AMUTHA
346 E.CHITHIRAVENI
347 S.THIRUMALAI SELVI
348 G.AMUTHA
349 K.RAVIKUMAR
350 C.RAJENDRAN
351 M.DINAKARAN
352 A.GEETHA
353 K.PREMA
354 V.JOTHI
355 R.HEMAVATHI
356 P.KAVITHA
357 G.DEIVASIGAMANI
358 V.SIRANJEEVILU
359 T.GANDHI
360 V.C.SELVAKUMARI
361 T.UMARANI
362 B.SUGUNA
363 K.SANTHOSH KUMAR
364 A.DEEPAK
365 M.SARASWATHI
366 .R.MARY KOLIPICHA SELVARANI
367 .S.PRABAVATHI
368 V.RAVI
369 Y.THEBORAL SELVAKUMARI
370 Y.RACHEAL PARIMALA
371 V.S.GUNASEELI
372 B.AMBIGA
373 T.VILVANATHAN
374 B.POORNIMA
375 R.MUBASHIRA ANJUM
376 R.TAMILSELVI



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377 G.LAKSHMI
378 R.JAYACHANDRAN
379 R.PRIYA
380 M.KAVITHA
381 V.KALAISELVAN
382 G.AZHAGIRI
383 R.BARATHAN
384 .B.PURUSUTHAMAN
385 P.JANAKIRAMAN
386 C.BABU
387 C.PARVATHI
388 T.PREMAKUMARI
389 R.SARATHA
390 S AMUTHA
391 C.MARY JOSEPHIN PREMA
392 B.VASANTHI ANNADURAI
393 K.BAVANI
394 .S.VEDACHALAM
395 B.PONNI ANNADURAI
396 G.JOTHI
397 A.R.MENAKA
398 R.SHABBEER AHMED

...Petitioners

Vs.

- 1.The State of Tamilnadu,
Rep. by its Chief Secretary to Government,
Human Resources Management (FR-IV) Department,
Previously known as Personnel and Administrative Reforms (FR-IV)
Department,
Fort St.George,
Chennai-9
- 2.State of Tamilnadu,
Represented by its Principal Secretary to the Government,
Department of School Education,
Fort St.George,
Chennai-9
- 3.The Director of Elementary Education,
DPI Campus,
Chennai-6

...Respondents



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Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned Government Order in GO.Ms.No.37 Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 insofar as the clause 6(vi) is concerned and the consequential impugned order in GO.Ms.No.95 Human Resources Management (FR-IV) department dated 26.10.2023 on the file of the respondent no.1 and quash the same as illegal and consequently for a direction, directing the respondents to grant incentive increment to the petitioners for acquiring higher qualification of B.Ed and PG degrees and revise the scale of pay along with arrears and other monetary benefits within the time period stipulated by this Court.

For Petitioners : Mr.K.Thilageswaran

For Respondents

For R1 : Mr.V.Veluchamy,
Additional Government Pleader

For R2 & 3 : Mrs.C.Mythereye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed to quash the Government Order in GO.Ms.No.37 Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 insofar as the clause 6(vi) is concerned and the consequential order in GO.Ms.No.95 Human Resources Management



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(FR-IV) department dated 26.10.2023 on the file of the first respondent and consequently to direct the respondents to grant incentive increment to the petitioners for acquiring higher qualification of B.Ed and PG degrees and revise the scale of pay along with arrears and other monetary benefits.

2. The case of the petitioners is that they are working as Secondary Grade Teachers, B.T.Assistants, Primary School Headmasters, Middle School Headmasters in the Government Schools (Panchayat Union Primary and Panchayat Union Middle Schools) coming under the 3rd Respondent Elementary Education Department. They have completed the higher qualifications such as B.Ed. and other Post Graduation Degrees and they were not granted the incentive increments. Originally the State of Tamil Nadu has issued the Government Order in G.O.Ms.No.42 Education Department dated 10.01.1969 by which a decision was taken to grant incentive increment to the teachers for acquiring higher qualifications. Thereafter it was clarified by the Government vide G.O.Ms.No.1023 Education, Science and Technology Department dated 9.12.93 that the School Teachers are entitled for maximum of two sets of incentive increments for acquiring higher qualification. Hence in view those Government Orders, they are entitled for grant of two set of incentive



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increments. But pointing out the Clause No.6(VI) of the Impugned Government Order in G.O.Ms.No.37 dated 10.03.2020, their request seeking grant of incentive for acquiring higher qualification was kept under cold storage stating that necessary permission has been sought for from the first respondent. Though the first Respondent has issued a clarification vide G.O.Ms.No.116 dated 15.10.2020 to the Government Order in G.O.Ms.No.37 dated 10.03.2020 stating that those who have completed the higher qualification before 10.03.2020 are entitled for incentive increment, the third Respondent has not granted the incentive increment in their favour. The first Respondent issued the consequential impugned Government Order in G.O.Ms.No.95 dated 26.10.2023, in which it has been decided to grant one lump sum of Rs.20,000/- to all those employees whose incentive increment request is pending consideration in uniformity with the employees who acquired higher qualification after 10.03.2020, which is highly arbitrary, unjust and unlawful. Their request seeking incentive increment was kept pending without any justification. All similarly placed teachers who have acquired the higher qualification have been granted incentive increment and denial of incentive increment to the petitioners alone is nothing but discrimination.



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3. Heard, the learned counsel appearing on either side.

4. The Government passed G.O. (Ms) No. 37, Personnel and Administrative Reforms (FR-IV) department, dated 10.03.2020, wherein it has clearly been mentioned as follows:-

"The cases of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance department. If no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degree acquired."

5. Certain clarification have been issued in G.O.(Ms) No.116, P&AR (FRIV) Dept., dated 15.10.2020 i.e., the cases of Government Servants who have acquired higher qualification prior to the date of issue of G.O. (Ms) No. 37, P&AR Dept., dated 10.03.2020 and appropriate orders to be issued before 31.03.2021. Based on the orders issued in G.O. (Ms) No.116, P&AR (FRIV) Dept., dated 15.10.2020, the cut off date for granting advance increment who have acquired higher qualification prior to



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10.03.2020 has been extended from 10.03.2020 to 31.03.2021. Further, on exemption basis, all the pending claims have been allowed until the orders issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023.

6. Further, as a policy measure for welfare of Government Servants a new policy has been adopted on the analogy of Government of India and orders have been issued in G.O.Ms.No.120, Human Resources Management (FR-IV) Department, dated 01.11.2021, for granting incentive in the form of one-time lumpsum amount to the State Government Employees for having acquired additional qualification after 10.03.2020 as follows:-

<i>Sl.No.</i>	<i>Higher Qualification</i>	<i>Amount</i>
1.	Ph.D	25,000/-
2.	PG Degree or equivalent	20,000/-
3.	Degree/Diploma	10,000/-

7. Further, substantial number of claims are pending from candidates with higher educational qualifications. Hence, to expeditiously process and bring clarity to the scheme of granting incentive, in partial modification of the orders issued in GO (Ms)No. 116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and G.O. (Ms)No. 120,



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Human Resources Management (FR-IV) Department, dated 01.11.2021 and clarifications issued in Letter No.4470/FR-IV/2022-1, Human Resources Management (FR-IV) Department, dated 18.02.2022, the cut-off date for sanction of advance increments for having acquired higher educational qualifications ended and the new scheme of sanction of lumpsum amount is ordered to take effect from 10.03.2020.

8. Thus, the clarification issued in G.O. (Ms)No.116, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020 and Letter No.4470/FR-IV/2022-1, Human Resources Management (FR-IV) Department, dated 18.02.2022 are harmonized to ensure that, all pending applications as on 10.03.2020 and claims made subsequently for sanction of benefits for having acquired higher educational qualifications shall be disposed as per this new scheme of granting lumpsum incentives only and not the earlier scheme of granting increments in salary. This principle would ensure expeditious disposal of all pending claims, and also maintain parity and equal treatment between the claims pending as on date and for the persons acquiring higher educational qualifications in future also. Even though the Petitioners have acquired their higher educational qualification, as per the orders issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023, the petitioners are not



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eligible for sanction of advance increment for acquiring higher qualification since by the orders issued in the above, the lumpsum amount shall be granted only for those who have acquired higher qualification and not sanctioned with advance increment till date.

9. Now, as per the above Government Orders, those who had completed additional qualification are entitled to have only lumpsum incentive. Therefore, the request of the petitioners cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed.

10. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

20.02.2024

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To

- 1.The Chief Secretary to Government,
State of Tamilnadu,
Human Resources Management (FR-IV) Department,
Previously known as Personnel and Administrative Reforms (FR-IV)
Department,
Fort St.George,
Chennai-9
- 2.Principal Secretary to the Government,
State of Tamilnadu,
Department of School Education,
Fort St.George,
Chennai-9
- 3.The Director of Elementary Education,
DPI Campus,
Chennai-6



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G.K.ILANTHIRAIYAN, J.

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