



W.P.No.20034 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.20034 of 2010
and
M.P.Nos.1 and 2 of 2010

1. C.Ravivarman
2. V.Kanniappan
3. V.Mathivanan
4. V.Kirubakaran
5. A.Amirthalingam
6. A.Maduraimuthi
7. A.Selvam
8. N.Dharman
9. C.M.Anbarasan
10. B.Krishnamorthy
11. G.Elamurugan
12. S.Durairaj
13. P.Rajasekar
14. J.Santhanakrishnan
15. C.Jayavelu

... Petitioners

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to the Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director
Directorate of School Education,
College Road,
Chennai - 600 006.

...Respondents



W.P.No.20034 of 2010

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus, calling for the records of the first respondent, relating his proceedings made in G.O.Ms.No.240 School Education (VE) Department, dated 18.08.2010 and quash the offending portion, viz., III and IV items insofar as the petitioners are concerned, and consequently directing the respondents to award incentive increment to the petitioners, considering their present respective additional qualifications than the required educational qualifications to hold the post of Vocational Instructors in the light of order made in W.P.Nos. to 6273 to 6276 of 2005 dated 02.12.2008.

For petitioner	:	Mr.C.S.Vijayakumar
For R1 to R4	:	Mr.R.U.Dinesh Rajkumar Addl.Government Pleader

ORDER

This writ petition is filed seeking incentive increment by quashing the relevant portion, viz., III and IV items of G.O.Ms.No.240 School Education (VE) Department dated 18.08.2010.

2. The petitioners are Vocational Instructors attached to the Engineering and Technology as well as Agricultural Department working



in various Government schools. Petitioners 1 to 10 are Vocational Instructors whereas petitioners 11-15 are Vocational Instructors attached to various Agricultural Departments. Their services were regularized during the year 1983 to 1996. Originally, G.O.Ms.No.42, Education Department, dated 10.01.1969 was given to provide incentive increments to the teachers who acquired higher qualifications than the required educational qualifications prescribed for the post of Vocational Instructors, viz., pass in Diploma in Mechanical Engineering (D.M.E.) or Diploma in Electrical Engineering (DEE). The petitioners have acquired B.Lit., B.Ed., M.A., M.Ed., M.Phil., as additional qualifications and they have sought for incentive increments, but the same was denied and also the petitioners have made repeated representations in this regard.

3. In G.O.Ms.No.624 Education Department dated 13.07.1992 certain conditions were framed for awarding incentive increments are as follows:

(i) That the grant of incentive to a teacher for acquiring higher qualification in a particular subject should be on the condition that the teachers should be required to teach the additional subject based upon needs, in addition to his basic subject.



(ii) The Director of School Education should judge the relevance of the subjects for allowing the grant of incentives to the past cases, i.e. From 17.09.1986 to 1991-92 and such grant will have only prospective effect.

(iii) From 1992-1993 sanction of incentive increment should be with reference to developing areas of study and subjects where Teachers shortage has been identified. The special subjects for which higher qualification would become eligible for incentive shall be identified by the Director of School education.

(iv) In future physical Education Teachers, incentive increments will be only in the are of Physical Education and the Director of School Education and the Director of School Education will identify the relevant courses.

4. Subsequently, G.O.324, Education, Science and Technology Department (E2) dated 25.04.1995 was issued clarifying the stipulations made in G.O.Ms.No.624, Education dated 13.07.1992 and other clarifications made in the said Government Order are as follows:

(i) For the sanction of incentive increments the subjects in the Higher Secondary syllabus shall be the relevant subjects.



W.P.No.20034 of 2010

(ii) In regard of the teachers in Physical Education they are calling for the incentive for higher qualification only in physical Education.

(iii) These orders will take retrospective effect from 19.09.1986 to cover past cases.

5. Subsequently, G.O.Ms.No.240 School Education (VE) Department dated 18.08.2010 was issued completely taking away the chance of drawing incentive increment. Aggrieved by the same, this writ petition.

6. Counter affidavit has been filed by the respondents stating that Government sanctions incentive increments to teachers for acquiring higher educational qualifications than the prescribed qualification to encourage them for putting in more efforts and to make the teaching most effective manner and to improve the standards of Education in the interest of the students. Awarding increments cannot be claimed as a matter of right. The Government in G.O.Ms.No.240 dated 18.08.2010 has stated that the incentive increment is eligible for acquiring higher qualification in the related subjects only.



W.P.No.20034 of 2010

WEB COPY

7. Heard both the sides and perused the materials available on record.

8. Granting incentive increment is a policy of the Government to encourage the employees who acquired additional qualifications in the field in which they are working. Merely because additional qualifications was acquired, it cannot be a ground for granting incentive increment, unless additional qualifications are obtained in the relevant field. This Court finds no grounds for quashing the relevant portions of G.O.Ms.No.240 School Education (VE) Department, dated 18.08.2010. There is no coherent reasons explained as to why incentive increment has to be granted to the petitioners as well as for quashing the relevant portion of the above said Government Order. Considering the above, as there are no merits in this case, this writ petition is dismissed. Connected M.P.s are closed. Costs made easy.

18.03.2024

vca

Internet : Yes/No

Citation : Yes/No



W.P.No.20034 of 2010

Index : Yes/No

WEB COPY
To

1. The Secretary to the Government,
School Education Department,
Fort St.George,
Chennai - 600 009.
2. The Director
Directorate of School Education,
College Road,
Chennai - 600 006.



WEB COPY



W.P.No.20034 of 2010

DR. D.NAGARJUN,J.

vca

W.P.No.20034 of 2010
and
M.P.Nos.1 and 2 of 2010



WEB COPY



W.P.No.20034 of 2010

18.03.2024