



W.P.No. 6390 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6390 of 2024

S.Shanthi

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Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai – 600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
The Presidency Girls Hr.Sec. School Campus,
Egmore, Chennai – 600 008.

4. The District Educational Officer (Secondary),
Chennai South,
Egmore, Chennai – 600 008.

5. The Secretary,
Sri Ramakrishna Mission Sarada Vidyalaya
Girls Higher Secondary School,
134, Usman Road, T.Nagar,
Chennai – 600 017.

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Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pass orders for incentive increment for acquiring M.Phil., degree in June 2015 in accordance with G.O.Ms.No.1170 Education, Science and Technology Department, dated 20.12.1993, with payment of arrears of salary and other service benefits with reasonable interest, in consideration of representation submitted by the petitioner dated 08.03.2023.

For Petitioner	: Mr.G.Sankaran Senior Counsel for Mr.S.Nedunchezhiyan
For R1 to R4	: Mrs.S.Mythreye Chandru Special Government Pleader

ORDER

This Writ Petition has been filed for a direction directing the respondents to pass orders for incentive increment for acquiring additional qualification of M.Phil., degree in accordance with G.O.Ms.No.1170, Education, Science and Technology Department, dated 20.12.1993 with payment of arrears of salary and other service benefits with applicable interest.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4 and perused the materials available on record.



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3. The petitioner had joined in the post of P.G.Assistant in the fifth respondent School on 01.12.2009. Thereafter, she had completed her M.Phil., degree after getting prior permission from the fifth respondent. Therefore, the petitioner applied for incentive increment for acquiring additional qualification.

4. Mr.G.Sankaran, learned Senior Counsel appearing for the petitioner submitted that as per G.O.Ms.No.1170, Education, Science and Technology Department, dated 20.12.1993, in which the P.G.Assistants who acquired M.Phil., degree are entitled for incentive increment, followed by G.O.Ms.No.194, School Education Department, dated 10.10.2006. He further submitted that her claim is pending only on the issue that the petitioner failed to obtain any prior permission for acquiring higher qualification, while working in the Government aided School, viz., the fifth respondent.

5. The issue in this case is no longer *res integra* due to number of orders passed by this Court. He also relied upon the Judgment of the Hon'ble Division Bench of this Court in W.A (MD No.1124 of 2023 dated 24.07.2023. However, now the Government passed an order in



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G.O.Ms.No.37, Personnel and Administrative Reforms (FR-IV) Department,

dated 10.03.2020, 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."

6. 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 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



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issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023.

7. 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/-

8. 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, Human Resources Management (FR-IV) Department, dated



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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. 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 prior to 10.03.2020 and claims made subsequently for sanction of benefits for



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having acquired higher educational qualifications, 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 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. Therefore, the entire claim made by the petitioner cannot be considered. However, the petitioner is entitled for one lumpsum incentive for her higher qualification. The respondents are directed to consider the case of the petitioner for disbursing one time lump sum incentive for higher qualification.

10. In the result, this Writ Petition stands dismissed. No costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No
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To

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G.K.ILANTHIRAIYAN, J.

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