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W.P.No.34129 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.34129 of 2013

Pon.Subramanian

...Petitioner

-Vs-

The Assistant Elementary Educational Officer (Additional)
The Office of the Assistant Elementary Educational Officer,
Arni Union,
Arni

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining the order in A.Di.Mu.No.1294/A2/2012 dated 07.02.2013 quash the same, consequently direct the respondent herein to grant of third set of incentive increment for his M.Ed degree and all other consequential benefits and pass such further orders.

For Petitioner : Mr.S.Anbazhagan

For Respondent : Mr.T.M.Rajangam
Government Advocate



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ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the respondent vide A.Di.Mu.No.1294/A2/2012 dated 07.02.2013 and consequently direct the respondent herein to grant third set of incentive increments for his M.Ed degree and all other consequential benefits.

2. The case of the petitioner is that he joined in service as Secondary Grade Assistant on 12.08.1981 at Panchayat Union School, Poosimalaikuppam. He passed his B.Litt (Tamil) in 1985 and B.Ed in 1986. He was sanctioned one set of incentive increments for passing B.Ed in 1986. Subsequently, he passed his M.A. Degree in 1988 and for that he was sanctioned one set of incentive increments in 1989. Thereafter, he completed his M.Ed in the year 1989 and the same was also duly entered in his service record with the necessary details. In the meantime, he was promoted as Head Master of Middle School in the B.T. Cadre on 26.06.2006. As per G.O.Ms.No.1023 dated 09.12.1993, he was eligible for two more advance increments for M.Ed degree in the post of B.T.Assistant. Though he has made several representations, he came to know that the maximum level of



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incentive increments is only 4, hence he was not eligible for the next increment.

3. Learned counsel for the petitioner submitted that he was posted as Additional Elementary Educational Officer from 21.11.2007. While he was working as A.E.E.O, he made a request for third set of increments for his M.Ed degree, but the same was not considered. Then he was re-posted as Head Master (Middle School) at his option on 30.06.2012. He made a representation dated 15.10.2012 to the respondent requesting to grant third set of incentive increments for M.Ed degree citing the G.O.Ms.No.1023 dated 09.12.1993. Thereafter, the respondent herein orally informed him that he should have produced the order of prior permission for his M.Ed from the Department.

4. Learned counsel further submitted that from the proceedings of the District Educational Officer, Thiruppur, dated 30.08.2011, the petitioner came to know that one who studied his higher studies without any prior permission from the department and who sought for post permission could be considered. Hence, he sent a representation dated 23.01.2013 to the



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respondent requesting him to grant post-permission for his M.Ed degree citing the proceedings dated 30.08.2011 in Na.Ka.No.1908/A51/2010.

Without passing any orders on that representation, the respondent herein arbitrarily returned his request on 07.02.2013 for an increment for his M.Ed degree. In the meantime, he retired from service on 31.03.2013 as Middle School Head Master. Aggrieved by the order passed by the respondent dated 07.02.2013, the petitioner has come forward with the present writ petition.

5. A counter affidavit was filed on behalf of the respondent dated 28.03.2019.

6. Learned Government Advocate appearing for the respondent submitted that there is a similar matter in the order passed by the Hon'ble Division Bench of this Court in ***W.A.No.1202 of 2023 dated 15.11.2023*** and the relevant portion of the order is extracted hereunder for better appreciation and understanding:

“The respondent placed heavy reliance on G.O. Ms. No. 220, School Education Department dated 27.10.2017, whereas the said G.O. came to be passed, in compliance with the order of the Tamil Nadu Administrative Tribunal dated 04.02.1994 in O.A. No. 3193 of 1991. No



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doubt, as per G.O. Ms. No. 220 dated 27.10.2017, third set of incentive increment was ordered to be paid to Tamil Pandits, who have acquired M.Ed. Degree prior to 09.12.1993. In other words, if a secondary grade teacher got two incentive increments for acquiring higher qualification and thereafter promoted to the post of Tamil Pandit, he / she is eligible for 3rd incentive increment for acquiring M.Ed. qualification. In the present case, the respondent herein has acquired M.Ed., Tamil Literature during May 1992; after getting promotion as Tamil Pandit, he has acquired B.Ed., M.A. and M.Ed. qualifications and hence, he was granted two incentive increments and is not eligible for 3rd incentive increment for M.Ed degree..”

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

8. In view of the above factual matrix of the case and the ratio laid down by the Hon'ble Division Bench of this Court in *W.A.No.1202 of 2023 dated 15.11.2023*, this writ petition stands dismissed. No costs.

21.03.2024

cda

Index : Yes/No

Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

The Assistant Elementary Educational Officer (Additional)
The Office of the Assistant Elementary Educational Officer,
Arni Union,
Arni

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