



W.P.No.37084 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.11.2023

PRONOUNCED ON : 20.03.2024

C O R A M

THE HON'BLE Dr. JUSTICE D.NAGARJUN

W.P.No.37084 of 2015

R.S.Krishna Samudeshwarambigai

...Petitioner

versus

1. The Government of Tamil Nadu,
Represented by Secretary to Government,
School Education Department, Secretariat,
Chennai-600 009.
2. The Director of Elementary Education,
Chennai-600 006.
3. The District Elementary Educational Officer,
Thanjavur.
4. The Additional Assistant Elementary Officer,
(Rural) Thanjavur.
5. The Principal Accountant- General(A&E),
Tamil Nadu,
Chennai-600018.

...Respondents.



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Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to sanction one set of two incentive increments for passing B.Ed., and M.A.Degree examinations in 1980 and 1986 while serving as Secondary Grade Teacher and another set of two incentive increments for passing M.Ed. Degree examination, while serving as middle school Headmaster from the respective last dates of the examination and revise the pensionary benefits of the petitioner on that basis, disburse the consequential monetary benefits with interest.

For Petitioner : Mr.M.Ravi

For Respondents : M/s.R.U.Dineshraj Kumar
Additional Government Pleader for R1 to R4

:M/s.Hema Muralikrishnan for R5

ORDER

The Petitioner herein filed this writ petition seeking for a direction to the respondents herein to sanction one set of two incentive increments



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for passing B.Ed., and M.A.Degree Examinations in 1980 and 1986 while serving as secondary grade teacher and another set of two incentive increments for passing M.Ed., Degree Examination, while serving as middle school Headmaster from the respective last dates of the examination and revise the pensionary benefits and disburse the consequential monetary benefits with interest.

2. The brief facts of the case are as follows:

The petitioner herein joined as Secondary Grade Teacher on 14.12.1963 in the Panchayat at Union Elementary School in Tanjavur Panchayat Union and served in various elementary schools. The Petitioner was promoted as Elementary school Headmaster on 01.12.1973. While being so, the petitioner acquired B.Ed., degree in July, 1980 and M.Ed., degree in 1986 and therefore promoted as Middle School Headmaster in 1986 and retired from service on 30.06.1996. The petitioner have been granted with pensionary benefits and receiving monthly pension from 1.07.1996.



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3. The grievance of the petitioner is that the Incentive increments due and payable for acquiring higher qualification as per G.O.MS.No. 42, Education Department dated 10.01.1969 were not granted. It is submitted that said G.O. for incentive increments was introduced to encourage teachers to acquire more knowledge by way of higher education. The petitioner herein intimated the fact of Higher education and made several representations for making entries in service register and for granting incentive increments have not received any response and consequently suffered loss. Hence, preferred this writ petition.

4. Heard the Submissions made by the respective counsel on either side and perused the material placed on records.

5. The petitioner seeking for grant of incentive increments on the ground that the petitioner acquired higher education B.Ed in the year 1980 and M.Ed in the year 1986 and she was possessing the same at the time of appointment as Middle School Headmaster itself in 1986. The petitioner is claiming her right under G.O.MS.No.42 Education Department, dated 10.01.1969, whereunder incentive incentives were



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granted to those who acquire more knowledge by way of Higher Education. The Learned Counsel for the petitioner has drawn the attention of this court to Clause 2 and 3 of Annexure of G.O.MS.No.42 dated 10.01.1969 and the relevant portion is extracted hereunder

“(2) A Secondary grade teacher who after passing B.T. OR B.Ed., degree examination qualifies for M.A, or M.Sc., or M.Ed degree but working in Secondary Grade post may be given advance increments for second time also, i.e., two advancements after passing B.T. Or B.Ed. Degree and another two after passing M.A. Or M.Ed degree . B.T. Teacher who after passing M.A. Or M.Sc qualifies for M.Ed degree Examination but working in B.T. Or Headmaster post may be given advance increments for a second time also, i.e, two advance increments after passing M.Ed degree.

(3)The advance increments may be given from the day following the last day of the examination in higher qualification mentioned in column (3) of the table whichever is later...”



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6. The clause (2) of Annexure would go to shows that persons qualified M.Ed degree but working as B.T. Or Headmaster post may be given advance increments after passing M.Ed Degree.

7. Learned Additional Government Pleader appearing for the Respondents 1 to 4 strongly denied the claim of the petitioner and submitted that the entries were made in the Petitioner's service register on 24.07.1980 in respect of grant of one set of two incentive increments for acquiring B.Ed., degree and on 17.15.1986 another one set of two incentive increments were sanctioned for acquiring M.A. Degree. It is submitted further that there is no provision for sanctioning third incentive increments for acquiring M.Sc and M.Ed., degree.

8. Therefore, according to the Learned Additional Government pleader, the G.O.Ms.No.18 dated 18/1/2013 allowed to sanction only two set of incentive increments for all the teachers for acquiring higher qualifications. It is further submitted that petition filed for grant of third set of incentive increment is not maintainable.



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9. Perused the materials available on record.

10. Originally, the petitioner joined as Secondary Grade Teacher on 14/12/1963 in the Panchayat at Union Elementary School, Thanjavur; promoted as Middle School Head Master in the year 1986. He retired from service on 30/6/1996. When the petitioner was working as Secondary Grade Teacher, she has acquired B.Ed and M.Ed degrees in 1980 and 1986 respectively. When she was working as Head Master in the Elementary School in the year 1973, she has acquired M,Ed degree in the year 1988.

11. Government of Tamil Nadu has issued G.O.Ms.No.42, Education Department dated 10/1/1969 introducing a Scheme of granting incentive increments to the Teachers who have acquired higher qualifications. The petitioner after acquiring B.Ed degree was given one set of two increments. Again, after acquiring M.Ed qualification, she was given another set of two increments. Having received two sets of incentive increments under G.O.Ms.No.42, now the petitioner is seeking



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a direction to the respondents to grant one more set of incentive increment for acquiring additional increments on M.Ed in the year 1988.

12. A reference was made to a Full Bench of this Court, in view of the conflict between two Division Bench judgments of this Court in respect of grant of third set of incentive increments for acquiring of higher qualifications. In W.A.(MD) Nos.701 and 769 of 2015, dated 15/7/2015, between The Director of School Education and Other Vs. S.Amalraj, it was held that a Teacher is entitled for a third set of incentive increment on acquiring of higher qualifications and in W.A.No.1664 of 2016 decided on 29/6/2018 between the Director of School Education and Other Vs. V. Dhanapal, a contrary view was taken that Teacher during entire tenure of service, is entitled only for two sets of incentive increments.

13. The Full Bench had answered the reference as under:-

“12. A perusal of the above order puts the issue beyond pale of doubt that as per the policy



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of the Government, a teacher for the entire period of his/her service shall be granted two incentives (four increments) only. Therefore, there cannot be any dispute regarding the fact that a Secondary Grade Teacher or B.T.Assistant or Post Graduate Teacher during the entire period of service as a teacher, is entitled to get only two incentive increments. Taking note of the same only, the Division Bench in W.A.No.1664 of 2016 dated 29.06.2018 (The Director of School Education and others v. V.Dhanapal) has categorically held that the acquisition of an M.Phil. W.A.No.3674 of 2019 qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.No.1024, Education, Science and Technology Department, dated 09.12.1993 restricting the number of incentive increments to



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two and therefore, any teacher is not entitled to a third incentive increment.”

14. In view of the judgment of the Full Bench referred above, the petitioner is not entitled for the relief sought for. Accordingly, this writ petition is dismissed. No costs.

20/3/2024

Index : Yes / No
Neutral Citations: Yes/No

jai/mvs.

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department, Secretariat,
Chennai-600 009.
2. The Director of Elementary Education,
Chennai-600 006.
3. The District Elementary Educational Officer,
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4. The Additional Assistant Elementary Officer,
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Dr.D.NAGARJUN, J

jai/mvs.

Pre-delivery order made in
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