



WEB COPY

W.P.No.10583 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.10583 of 2021
and W.M.P.No.11188 of 2021

K.Eswari

... Petitioner

Vs.

1.The Chief Education Offier,
Erode, Erode District.

2.The District Education Officer,
Erode, Erode District.

3.The Block Education Officer,
Modakkurichi Block,
Erode District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.700/A1/2020 dated 09.07.2020 and to quash the same and consequently, direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

For Petitioner : Mr.T.Balachandran

For Respondents : Mr.S.Prabhakaran, GA



ORDER

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This Writ Petition has been filed for quashment of the impugned proceedings issued by the third respondent in Na.Ka.No.700/A1/2020 dated 09.07.2020 and consequently, to direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

2. Heard the learned counsel on either side and also perused the materials available on record.

3. The learned counsel for the petitioner submitted that the petitioner was initially appointed as Primary School Head Master on 01.06.2002 and on 16.06.2008, he was promoted Tamil Pandit. Thereafter, he was promoted as Middle School Head Master on 03.06.2010. During the interregnum, the petitioner has obtained a Degree in Bachelor of Education. The learned counsel for the petitioner further submits that pursuant to G.O.Ms.No.107, Education Department, dated 20.01.1976, the petitioner was given incentive increments.



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4.The learned counsel for the petitioner further submitted that the issue is no longer *res integra* and is covered by the decision of the Madurai Bench of this Court rendered in W.P.(MD).No.21368 of 2014 and in W.P.(MD).No.4332 of 2015 vide its order dated 05.04.2017.

5. The learned Government Advocate appearing on behalf of the respondent fairly submits that the issue is now considered by the aforesaid order of the Madurai Bench of this Court and that no further appeal has been filed against the said order. The operative portion from the said order reads as under:-

“8.The conduct of the respondents also has to be taken note of. It is seen that the respondents have recognized the entitlement of the petitioners to receive incentive increment at the earlier point of time and now they are trying to give a different interpretation to the proceedings and clarifications, which are purely internal with in the Department of Education. The respondents are trying to deviate from the original stand taken and trying to deprive the petitioners of the benefit extended to them for a long number of years. In such circumstances, this Court is not inclined to accept the case of the respondents regarding the entitlement of the petitioners to incentive increment.



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9. *The case of the respondents in the counter affidavit is only to the effect that the petitioners, after becoming Headmistress of the Middle School, are not entitled to get incentive increments for acquiring B.Ed. Degree. It is contended that the petitioners acquired B.Ed., after becoming Middle School Headmistress and that since B.Ed., Degree is a required basic qualification for appointment of Middle School Headmistress, as clarified by the Director of Elementary Education, the petitioners are not entitled to incentive increment for acquiring B.Ed. Degree. In support of this, the proceedings of the Joint Director of Elementary Education, dated 07.11.2014, was relied upon.*

10. *In the present cases, the petitioners were working as Primary School Headmistress from 17.06.2003 and 23.07.2007 respectively. The petitioners also became Middle School Headmistress in 2007 and 2010, respectively. The fact that the petitioners were given incentive increment for acquiring B.Ed., qualification after this promotion as Middle School Headmistress is admitted and the clarification of second respondent reflect the correct position. In such circumstances, this Court is of the considered opinion that the petitioners are entitled to get incentive increment for acquiring additional qualification as per the earlier proceedings of the Director of Elementary Education, dated 07.06.1991 and the same cannot*



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be stopped or denied in view of the qualification prescribed later in the year 2013.

11.In view of the forgoing reasons, this Court finds that there is no merits in the contention of the respondents. Hence, these Writ Petitions deserve to be allowed.

12.In the result, the impugned orders passed vide proceedings in Na.Ka.No839/A/20104 by District Elementary Educational officer, dated 22.12.2014 and vide proceedings in Na.Ka.No.783/A2/2014, dated 20.01.2015, by the Additional Assistant Educational Officer, Tirunelveli District, challenged in the two Writ Petitions are quashed. The respondents are directed to pay incentive increment to the petitioners in terms of the earlier order of the Government as clarified by proceedings of the Director of Elemantary Education, dated 07.06.1991.”

6. Since the issue is squarely covered by the above decision of the Madurai Bench of this Court and since no further appeal has also been filed by the respondents Department, the impugned proceedings issued by the third respondent in Na.Ka.No.700/A1/2020 dated 09.07.2020 is hereby quashed. However, the respondents are directed to pay the incentive increment to the petitioner for acquiring B.Ed., degree.



7. With the above observations and directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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VIVEK KUMAR SINGH, J.

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