



Writ Petition No.17960 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

Writ Petition No.17960 of 2019
& WMP No.17368 of 2019

S.Sumiya Banu

..Petitioner

vs.

1.State of Tamilnadu,
rep. by the Agriculture Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
Secretariat,
Chennai-600 009

2.The Director of Agriculture,
Ezhilagam,
Chepauk,
Chennai-600 005

3.The Joint Director of Agriculture,
Coimbatore.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to pay the petitioner two advance increments as per G.O.Ms.No.570, Agriculture (AA1) Department dated 01.04.1978 on consideration of the petitioner's representation dated 11.07.2018.



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For Petitioner : Mr.N.Ishtiaq Ahmed
For Respondents : Mr.M.Alagu Goutham, GA

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the respondents to pay the petitioner two advance increments as per G.O.Ms.No.570, Agriculture (AA1) Department dated 01.04.1978 on consideration of the petitioner's representation dated 11.07.2018.

2.The case of the petitioner is that she possessed B.Sc Agriculture Degree from the Tamilnadu Agricultural University, Coimbatore and Post Graduate Degree in the Master of Business Administration (Faculty of Agriculture). She had also completed her full time two years programme at Centre for Agriculture and Rural Development Studies (CARDS), Department of Agriculture and Rural Studies (ARM). She was selected by the Tamilnadu Public Service Commission to the post of Agricultural Officer (Extension) in the Tamilnadu Agricultural Extension Service. The second respondent issued posting orders on 05.07.2010. She was working as Agricultural Officer at Bio Control Laboratory, Coimbatore under the



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control of Assistant Director of Agriculture, Thondamuthur. His services were regularised with effect from 25.02.2013.

3.The Government of Tamilnadu issued G.O.Ms.No.825, Personnel and Administrative Reforms (FR1) Department dated 06.07.1977 sanctioning two advance increments to those who hold Post Graduate Degree in Management Sciences. The first respondent has issued G.O.Ms.No.570, Agriculture (AA1) Department dated 01.04.1978, extending the same benefit to the persons who possess Post Graduate Degree in Agriculture or in a subject related to Agriculture. The contention of the petitioner is that the full time MBA (Faculty of Agriculture) pursued by the petitioner through the Tamilnadu Agricultural University, is equivalent to any other Post Graduate Programme offered by the said University and recognized by the All India Council of Technical Education (New Delhi) as per the Certificate issued by the competent authority of TNAU on 26.06.2018. According to the petitioner, the MBA (Faculty of Agriculture) offered to the petitioner by TNAU is equivalent to MBM, as per the Certificate issued by the TNAU on 10.01.2017 and thereby, she is entitled to two advance increments.



WEB COPY 4.The first respondent in Government letter (Nilai)/141/VENI4(2)/2012 dated 03.07.2013 has granted two increments to one K.Uma Maheswari based on G.O.Ms.No.570 dated 01.04.1978. Likewise, another candidate namely, T.Gunasekaran has been given same benefit of increments for possessing a degree in MBM. The petitioner has submitted a representation on 11.07.2018 to the respondents, praying to sanction two advance increments based on her Post Graduate qualification. However, since no response is forthcoming despite her representation from the respondents, the petitioner was constrained to approach this Court by way of present Writ Petition.

5.The learned counsel for the petitioner submits that as the petitioner is a Post Graduate in Faculty of Agriculture, the petitioner is entitled for two advance increments as per G.O.Ms.No.570 dated 01.04.1978. He further submits that the respondent, having granted two advance increments in the case of one K.Uma Maheswari on 03.07.2013 and to R.Pradeep on 27.02.2015 and also to one T.Gunasekaran, who are similarly placed as that of the petitioner, cannot deny the same benefit to the petitioner. The learned



counsel further contends that the rejection of the petitioner's representation for the benefit of two advance increments, is not proper when the Post Graduate Degree in MBA (Faculty of Agriculture) obtained by the petitioner is certified to be equivalent to that of MBM and also other PG Programmes offered by the Tamilnadu Agricultural University. Accordingly, the learned counsel sought to direct the respondents to sanction two advanced increments to the petitioner on consideration of his representation dated 11.07.2018.

6.On behalf of the respondents, a detailed counter affidavit has been filed. It is stated in the counter affidavit that as per G.O Ms.No.825, Personnel and Administrative Reforms Department dated 06.07.1977, two advance increments may be allowed to those who holds the Post Graduate Degree of Master of Management Sciences from the recognized University. Subsequently, the Government have decided to cancel the order of G.O.Ms.No.825 dated 06.07.1977 and the orders issued regarding sanction of two advance increments to those who already possess the Post Graduate Degree i.e., Master of Business Administration from the recognized Universities (including open Universities) and this system is accordingly



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dispensed with, from the date of issue of this order passed in G.O.No.154, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2010. The request of the petitioner has been considered by the Government with reference to G.O.Ms.No.154 dated 26.10.2010 and rejected the request of the petitioner. It is averred in the counter affidavit that in the case of K.Uma Maheswari and T.Gunasekaran referred to by the petitioner in the affidavit, since they had joined duty as early as in the year 2010 i.e., before the issuance of G.O.Ms.no.154, dated 26.10.2010, their request has been considered and sanctioned two advance increments. In the case of the petitioner, she has joined duty as an Agricultural Officer only on 25.02.2013, hence, she is not eligible to two advance increments. It is also stated in the counter affidavit that in the instant case, the petitioner herein passed Master of Business Administration. As the Government dispensed with the system of awarding sanction of advance increment to the Government Officials acquiring Master of Business Administration Degree from the date of the issuance of G.O.Ms.No.154, dated 26.10.2010, the request of the petitioner for sanction of advance increment after possessing Post Graduate Degree of Master of Business Administration, cannot be considered. The Government, in letters dated 18.12.2013 and 21.02.2019



respectively, has clarified that there is no provision to sanction two advance increments to the Post Graduate Degree holders in MBA as per the Government orders in force.

7. The learned Government Advocate appearing for the respondents would contend that the Management qualification acquired by the individuals are not useful for the Agriculture Department, where the Agricultural Officers have to advise the farmers to adopt the new technologies in farming to improve production and implementing the various schemes sponsored by the State/Central Government and no managerial techniques are required. The Government, after careful examination, issued G.O.Ms.No.154, dated 26.10.2010 dispensed with the system of awarding sanction of advance increments to the Government officials acquiring Master of Business Administration, such request of the petitioner to sanction advance increments deserves no consideration and sought to dismiss the Writ Petition.

8. Having heard the submissions of the learned counsel appearing on either side and on careful examination of the material available on record,



there is no dispute with regard to the employment of the petitioner and possessing of Post Graduate Degree in Business Administration. The Government of Tamilnadu vide GO.Ms.No.825, Personnel and Administrative Reforms (FR1) Department dated 06.07.1977, sanctioned two advance increments to those who hold Post Graduate Degree of Master of Management Sciences from a recognized University. Thereafter, the Government has decided to cancel the said Government Order in G.O.Ms.no.825 dated 06.07.1977 and consequently, issued orders regarding sanction of two advance increments to those who have already possessed the Post Graduate Degree i.e., Master of Business Administration from the recognized University is dispensed with by issuance of G.O.Ms.No.154, Personnel and Administration Reforms (FR-IV) Department dated 26.10.2010. The contention of the petitioner is that she is entitled for the benefit extended under G.O.Ms.No.825, dated 06.07.1977, for two advance increments as she obtained Master of Business Administration Degree from the Tamilnadu Agricultural University. It is also the contention of the petitioner that the respondents have extended the benefit of sanction of two advance increments by following G.O.Ms.No.570, dated 01.04.1978 in the case of one K.Uma Maheswari vide proceedings dated 03.07.2013 and in



the case of one R.Pradeep vide proceedings dated 27.02.2015. It is the further contention of the petitioner that as per the certificate dated 10.01.2017 issued by the Tamilnadu Agricultural University, it is stated that the Department of Agriculture and Rural Management, Tamilnadu Agricultural University, Coimbatore was offering Post Graduate Degree i.e., Master of Business Management (MBM) till 2001 on regular mode. The PG Degree was re-named as Master of Business Administration(MBA) (Faculty of Agriculture) in 2001. The MBM Programme and MBA (Faculty of Agriculture) Programme offered by the Department are equivalent P.G.Degree programmes. The petitioner has placed reliance on the Certificate bearing no.E2/Edn/Certificate/00217/2017 dated 10.01.2017 issued by the Tamilnadu Agricultural University, wherein, it is stated as extracted herein under:

“ TO WHOMSOEVER IT MAY CONCERN

This is to certify that Sumiyabanu.S, (07-608-049) has completed her Master of Business Administration(Faculty of Agriculture) degree programme at Tamil Nadu Agricultural University, Coimbatore during 2009.



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The eligibility criteria for admission into MBA programme offered by Tamil Nadu Agricultural University is Four Year Degree obtained only from State Agricultural Universities. The MBA programme is similar to any other post graduate programme offered by the Tamilnadu Agricultural University and recognized by the All India Council of Technical Education, New Delhi. Later the MBA programme was renamed as MBA(Agribusiness Management) considering the developments in the field. The MBA(Faculty of Agriculture) degree awarded to Mrs.Sumiyabanu.S. is equivalent to the current degree MBA(Agribusiness Management). Similar MBA programmes are offered in all the other State Agricultural Universities in India. Under these circumstances, it seems to be considered that the MBA degree awarded to Mrs.Sumiyabani, S. is related to Agriculture and Agribusiness Management.”

9.The learned counsel for the petitioner contends that the benefit



extended under G.O.Ms.No.825 dated 06.07.1977 sanctioning two advance increments to Government Officials for acquiring MBA from a recognized institution is dispensed with by G.O.Ms.No.154, dated 26.10.2010. As per G.O.570, Agriculture (AA1) Department dated 01.04.1978, two advance increments can be allowed to the officers of the Agricultural Department, who were in service on 01.10.1970 but appointed on or after 02.10.1970, if they possess Post Graduate Degree or Ph.D., degree in Agriculture at the time of appointment and to those who acquire such qualification subsequently. Relying on G.O.Ms.No.570 dated 01.04.1978, the learned counsel for the petitioner contends that the benefit granted under G.O.Ms.No.570, Agricultural(AA1) Department dated 01.04.1978 virtually is not taken away by G.O.Ms.No.154 dated 26.10.2010.

10. On a perusal of G.O.Ms.154, Personnel and Administrative Reforms (FR-IV) Department dated 26.10.2010, it appears that the Government have decided to cancel the benefit of sanction of two advance increments to those who already possessed the Post Graduate Degree i.e., MBA covered and G.O.Ms.no.825 dated 06.07.1977 is dispensed with. The GO Ms.No.570, Agricultural (AA1) Department dated 01.04.1978 is in



force and by following the same, the respondents sanctioned two advance increments in the case of one K.Uma Maheswari, who possessed Post Graduate Degree in MBM and to one R.Pradeep, who possessed Post Graduate Degree in Msc (sugarcane technology) by the respondents. As such, the inaction of the respondents in not extending the same benefit to the petitioner despite her representation, is unreasonable and discriminatory.

11. Besides this, on a careful perusal of the Certificate dated 10.01.2017, issued by the Tamilnadu Agricultural University, as extracted above, the MBA Degree awarded to the petitioner is related to Agriculture and Agribusiness Management, as such, it has to be treated as equivalent to MBM. The Tamilnadu Agricultural University clarified therein that the MBA Degree awarded to the petitioner is equivalent to the current degree MBA (Master of Agribusiness Management). Taking into consideration of the Certificate of the Tamilnadu Agricultural University, the petitioner is having MBA Degree, which is equivalent to the MBM (Master of Agribusiness Management) and as such, she is entitled for the benefit extended under GO Ms.No.570, dated 01.04.1978 and G.O.Ms.No.825 dated 06.07.1977. It appears that the respondents, without taking into



consideration of the fact that the Post Graduate Degree possessed by the petitioner is equivalent to the MBM (Master of Agri Business Management) offered by the Tamilnadu Agricultural University and erroneously rejected the request of the petitioner to sanction two advance increments by issuing the impugned orders though the petitioner is entitled for the same as per GO.No.570, Agricultural (AA1) Department dated 01.04.1978. Therefore, in my considered view, the petitioner is entitled to two advanced increments.

12. For the reasons stated above, this Writ Petition is allowed with the following directions:

(i) The respondents are directed to consider the representation of the petitioner dated 11.07.2018 and pass orders sanctioning two advance increments to the petitioner as per G.O.Ms.No.570 Agricultural(AA1) Department dated 01.04.1978, within a period of two months from the date of receipt of a copy of this order.

No costs.

Consequently, connected miscellaneous petition is closed.



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Index : Yes/No
Speaking order: Yes/No
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To

1.State of Tamilnadu,
rep. by the Agriculture Production Commissioner
and Principal Secretary to Government,
Agriculture Department,
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Chennai-600 009

2.The Director of Agriculture,
Ezhilagam,
Chepauk,
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3.The Joint Director of Agriculture,
Coimbatore.



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BATTU DEVANAND, J.

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