



W.P.No.14845 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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S.Mahalakshmi

...Petitioner

-Vs-

1. The Commissioner of School Education,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

2. The Chief Educational Officer,
Coimbatore District.

3. The Headmaster,
Government Higher Secondary School,
Anaimalai,
Pollachi Taluk,
Coimbatore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned returned communication letter issued in Aa.Thi. Mu. No.349 /A5 / 2016 dated 30.03.2016 by the second respondent and quash the same and consequently direct the Respondents to grant incentive increment to the Petitioner, based on G.O.Ms.No.240, School Education Department, Dated 18.08.2010, with effect from the date of her regularization i.e 10.11.2008.



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For Petitioner : Mr.S.Senthilkumar

For Respondents : Mrs.S.Mythereye Chandru
Special Government Pleader

ORDER

This writ petition has been filed calling for the records pertaining to the impugned returned communication letter issued in Aa.Thi.Mu.No.349 /A5 / 2016 dated 30.03.2016 by the second respondent and quash the same and consequently direct the Respondents to grant incentive increment to the Petitioner, based on G.O.Ms.No.240, School Education Department, dated 18.08.2010, with effect from the date of her regularization i.e 10.11.2008.

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

3. The petitioner was temporarily appointed as Computer Science teacher in the year 2000. Thereafter, her service was regularized as Vocational Instructor in the Government Higher Secondary School, Anaimalai and her service was absorbed in the regular post with effect from 10.11.2008. Subsequently, the petitioner had acquired additional educational qualification of M.C.A and B.Ed. As per G.O.Ms.No.240, School Education Department,



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dated 18.08.2010, the petitioner submitted representation seeking incentive increment for her higher qualification.

4. In this regard, the Government had already passed 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."

5. 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



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10.03.2020 to 31.03.2021. Further, on exemption basis, all the pending claims have been allowed until the orders issued in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023.

6. 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/-

7. 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 01.11.2021 and clarifications issued in Letter No.4470/FR-IV/2022-1, Human Resources Management (FR-IV)



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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 Petitioner had acquired their higher educational qualification prior to 10.03.2020 and claims made subsequently for sanction of benefits for 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



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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.

8. Now, as per the above Government Orders, those who had completed additional qualification are entitled to have only lumpsum incentive. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent in Aa.Thi. Mu.No.349 /A5 / 2016 dated 30.03.2016 and this writ petition is devoid of merits and is liable to be dismissed. The second respondent is directed to consider the case of the petitioner for lumpsum incentive alone for her higher qualification.

9. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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To

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G.K.ILANTHIRAIYAN. J,

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