



W.A.No.2836 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

WEB COPY

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.2836 of 2021
and
C.M.P.No.18862 of 2021

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Dharmapuri District, Dharmapuri.
4. The District Educational Officer,
Dharmapuri District, Dharmapuri.
5. The Headmaster,
Government Boys Higher Secondary School,
Karimangalam,
Dharmapuri District.
6. The Headmaster,
Government Higher Secondary School,
V.Muthampatti, Dharmapuri District.



W.A.No.2836 of 2021

7. The Headmaster,
Government High School,
Thammanampatti,
Dharmapuri District.
8. The Headmaster,
Government Higher Secondary School,
Periyampatti,
Dharmapuri District.
9. The Headmaster,
Government High School,
Kamalapuram,
Dharmapuri District.

... Appellants

Vs.

1. M.Mugunthamadhavan
2. P. Panneerselvam
3. E.Nagalingam
4. M.Senthilkumar
5. P.Murugan

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.15859 of 2014 dated 28.03.2019.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondents : Mr.S.Nedunchezhiyan



W.A.No.2836 of 2021

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The benefit of incentive increment for acquiring additional educational qualification were provided to the teaching staff in the Education Department. Incentive increments are concessions granted to the teachers in order to encourage them to acquire more educational qualification for the purpose of imparting better education to the children studying in schools. It is a concessional Scheme framed by the Government and not part of service conditions. Such concessional schemes cannot be expanded beyond the scope of the terms and conditions stipulated by the Government under the Scheme.

2. Originally, the scheme of incentive increment was granted to the teaching staff in Education Department in G.O.Ms.No.42 dated 01.01.1969. Thereafter, the Scheme of incentive increment extended to several Degrees, Post Graduation Degree by the Government by expanding the scope of the Scheme. However, the date of issuance of the Government order extending the benefit of the incentive increment alone is to be taken into consideration for considering the monetary benefits.



W.A.No.2836 of 2021

3. In the present case, the Scheme of incentive increment was extended for acquiring M.Phil/Ph.D degrees in G.O.(1D).No.18, School Education dated 18.01.2013. Therefore, the respondents are entitled for the incentive increment for acquiring M.Phil/Ph.D Degree from the date of the Government Order and not from the date of acquisition of Degree of M.Phil/Ph.D.

4. A policy of the Government would indicate that teacher is eligible for two incentives in their entire service. They are not entitled for more than two incentive increments in their carrier. Therefore, the respondents are eligible for two incentive increments for acquiring additional Educational Qualification, which should not be the requisite qualification under the Service Rules for holding the post in which the teacher is working.

5. Therefore, the respondents are entitled for the incentive increment only in accordance with the Government Order issued in G.O.(1D).No.18, School Education dated 18.01.2013.



W.A.No.2836 of 2021

6. The writ court has considered the claim of the respondents beyond the scope of the Government Order and the Scheme of incentive increment, which is a concessional scheme and must be implemented strictly in accordance with the terms and conditions stipulated by the Government in the policy order.

7. For all these reasons, the order impugned passed in W.P.No.15859 of 2014 dated 28.03.2019 is set aside and the Writ Appeal stands **allowed**. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S.,J.] [C.K.,J.]
13.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
School Education Department,
Secretariat, Fort St.George, Chennai - 600 009.

Page No.5 of 7



W.A.No.2836 of 2021

WEB COPY

2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Dharmapuri District, Dharmapuri.
4. The District Educational Officer,
Dharmapuri District, Dharmapuri.
5. The Headmaster,
Government Boys Higher Secondary School,
Karimangalam,
Dharmapuri District.
6. The Headmaster,
Government Higher Secondary School,
V.Muthampatti, Dharmapuri District.
7. The Headmaster,
Government High School,
Thammanampatti,
Dharmapuri District.
8. The Headmaster,
Government Higher Secondary School,
Periyampatti,
Dharmapuri District.
9. The Headmaster,
Government High School,
Kamalapuram,
Dharmapuri District.



WEB COPY



W.A.No.2836 of 2021

S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

veda

Judgment in
W.A.No.2836 of 2021

13.06.2024