



WEB COPY



W.P.No. 19162 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

**W.P.No. 19162 of 2024
and
W.M.P.No. 21010 & 21011 of 2024**

H.Syed Basheer

.... Petitioner

Vs

1.The District Education Officer,
CEO Office Campus,
Pennaiyar Road, Manjakuppam,
Cuddalore – 607 001.

2.The District Education Officer,
Villpuram District.

3.The Assistant Elementary Education Officer,
Melmalayanur,
Villupuram District – 604 204.

4.The Block Education Officer,
Block Education Office,
BDO Office Campus,
Melmalayanur Post & Taluk,
Villupuram District.

....Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings dated 27.12.2017 vide Na.Ka.No.593/A1/2017 issued by the third respondent herein and quash



W.P.No. 19162 of 2024

the same and consequently direct the respondents to sanction incentive increment to the petitioner for having acquiring B.A.qualification.

For Petitioner : Mr.R.Abdul Mubeen

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

ORDER

This Writ Petition has been filed challenging the order passed by the third respondent dated 27.12.2017, thereby rejected the claim made by the petitioners seeking incentive increment for acquiring higher qualification.

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

3. The petitioner is a Graduate Teacher (BT Assistant) in History at Panchayat Union Middle School, Valathi, Villupuram District. The petitioner is qualified with B.A.(History). Thereafter, by an order dated 07.10.1996, the petitioner was appointed as Secondary Grade Teacher. Through the proceedings dated 09.12.2011, the petitioner obtained prior permission from the second respondent and completed B.Ed., course. Once again, the petitioner obtained prior permission from



W.P.No. 19162 of 2024

the second respondent and completed his master degree. Thereafter, the petitioner applied for incentive increment and the same was rejected on the ground that the petitioner did not obtain prior permission from the third respondent, while completing his B.A., degree in the year 2009 and as such the petitioner is not eligible for incentive increment.

4. Though the learned counsel appearing for the petitioner cited the Judgment of the Hon'ble Division Bench of this Court in respect of the prior permission to acquire higher qualification, by the subsequent Government orders, the petitioner is not entitled for incentive increment. In this regard, the Government had already passed G.O.Ms.No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, wherein it has been clearly 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



W.P.No. 19162 of 2024

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 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



W.P.No. 19162 of 2024

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 G.O.(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) 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.



W.P.No. 19162 of 2024

8. 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.

9. Now, as per the above Government Orders, those who had completed additional qualification are entitled to have only lumpsum incentive. Therefore, the representation submitted by the petitioner cannot be considered. As such, this writ petition is devoid of merits and liable to be dismissed. However, the petitioner is entitled for one lumpsum incentive for his B.A. (History) to the tune of Rs.10,000/- only and the third respondent is directed to consider the case of the petitioner for one lumpsum incentive for his acquiring B.A (History).



W.P.No. 19162 of 2024

10. With the above direction, this writ petition is

dismissed. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

10.07.2024

Internet : Yes/No

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

Lpp

To

1.The District Education Officer,
CEO Office Campus,
Pennaiyar Road, Manjakuppam,
Cuddalore – 607 001.

2.The District Education Officer,
Villupuram District.

3.The Assistant Elementary Education Officer,
Melmalayanur,
Villupuram District – 604 204.

4.The Block Education Officer,
Block Education Office,
BDO Office Campus,
Melmalayanur Post & Taluk,
Villupuram District.



WEB COPY



W.P.No. 19162 of 2024

G.K.ILANTHIRAIYAN, J.

Lpp

W.P.No.19162 of 2024

10.07.2024