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W.P.No.19732 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.19732 of 2020

B.Uma Maheswari

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal 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 Joint Director of School Education (Vocational),
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 4.The Chief Educational Officer,
Kancheepuram District,
Kancheepuram.
- 5.The Chief Educational Officer,
Chengalpattu District,
Chengalpattu.



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6. The Secretary to Government,
Department of Higher Education,
Chennai.

*(R6 Suo-motu impleaded as per order dated 13.12.2024 by JSNPJ in
W.P.No.19732 of 2020)*

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to impugned proceedings issued by the fourth respondent in Na.Ka.No.4354/Aa4/2017 dated 18.01.2019 (sic.18.012018) and to quash the same and consequently directing the respondents to sanction incentive increment to the petitioner for MBA (Sports Management) obtained from Tamil Nadu Physical Education and Sports University with effect from May 2010 as per G.O.Ms.No.324 Education, Science and Technology Department dated 25.04.1995 with all consequential and other attendant benefits.

For Petitioners : Mr.S.Nedunchezhiyan

For Respondents 1 to 5 : Mr.M.Suresh Kumar,
Additional Advocate General,
Assisted by
Mr.T.M.Rajangam,
Government Advocate



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ORDER

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This writ petition has been filed to call for the impugned proceedings issued by the fourth respondent in Na.Ka.No.4354/Aa4/2017 dated 18.01.2019 (sic.18.012018) and to quash the same and consequently directing the respondents to sanction incentive increment to the petitioner for MBA (Sports Management) obtained from Tamil Nadu Physical Education and Sports University with effect from May 2010 as per G.O.Ms.No.324 Education, Science and Technology Department dated 25.04.1995 with all consequential and other attendant benefits.

2. Learned counsel for the petitioner submitted that the petitioner was appointed as Physical Education Teacher in School Education on 09.02.2005 based on his education qualification (B.P.E.S). While in service, the petitioner has acquired higher qualification of “Master of Buiness Administration in Sports Management” in the year 2010. Pursuant to the same, the petitioner has submitted an application for grant of incentive increment as per G.O.Ms.No.324 Education, Science and Technology Department dated 25.04.1995. According to the said Government Order, the



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Physical Education Teachers are eligible for grant of incentive increment for acquiring higher qualification only in Physical Education. Hence, the Physical Education Teachers appointed with qualification of C.P.Ed./B.P.Ed./B.P.E.S and M.P.E.S/M.P.Ed., are made eligible for incentive increments for higher qualification in Physical Education. However, the representation of the petitioner was not considered by the respondents for grant of incentive increment in respect of MBA in Sports Management degree.

3. Learned counsel for the petitioner further submitted that the petitioner has filed a writ petition before this Court in W.P.No.14555 of 2017 seeking direction to the respondents to pass orders sanctioning incentive increment to the petitioner for having acquired the degree in MBA (Sports Management) from Tamil Nadu Physical Education and Sports University with effect from May 2010 as per G.O.Ms.No.324 Education, Science and Technology Department dated 25.04.1995 and subsequent Government Order issued in G.O.Ms.No.177 School Education (Pa.Ka.5(2)) Department dated 13.10.2016 and this Court vide its order dated 28.09.2018 disposed of the writ petition with direction that “*teachers including the petitioner, who*



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acquired higher qualification can be granted two incentive increments equivalent to four advance increments, during the entire service.”

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4. Learned counsel for the petitioner further submitted that pursuant to the order of this Court, the fourth respondent issued a proceedings in Na.Ka.No.4354/Aa4/2017 dated 18.01.2019 (sic 18.01.2018) by rejecting the claim of the petitioner for granting incentive increment by stating that Physical Education Teachers are not entitled for incentive increment for acquiring M.B.A. in Sports Management as it is not provided in the Government Orders and Rules. Challenging the said proceedings, the petitioner has come forward with the present writ petition.

5. Learned Additional Advocate General appearing for the respondents submitted that M.B.A in Sports Management is not equivalent to M.Phil./Ph.D., and also there is no specific Government Order to substantiate that M.B.A. in Sports Management is equivalent to M.Phil./Ph.D., The appropriate authority to consider the case of the petitioner is the equivalence committee. Hence, this Court may suo-motu



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implead the Secretary to the Government, Higher Education Department, Chennai and issue a direction to consider the case of the petitioner within a stipulated time frame to be fixed by this Court.

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

7. Since the appropriate authority to consider the case of the petitioner is the Equivalence Committee, who is not a party in the writ petition, it is necessary to implead the Secretary to the Government, Higher Education Department, Chennai as one of the respondents in this writ petition. Accordingly, The Secretary to the Government, Higher Education Department, Chennai is suo-motu impleaded as sixth respondent by this court.

8. In view of the above factual matrix of the case, this Court is inclined to issue the following directions:



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(i) The petitioner is directed to give a representation to the equivalence committee i.e., suo mottu impleaded sixth respondent along with all the necessary and relevant documents, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the suo-mottu impleaded sixth respondent i.e., the equivalence committee is directed to consider the same on merits and in accordance with law and pass appropriate order, at the time of its next sitting/deliberations.

9. This writ petition is disposed of with the aforesaid observation and directions. No costs.

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

Note: Registry is directed to carry out the necessary amendment in the cause title.

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Chennai – 600 006.
- 3.The Joint Director of School Education (Vocational),
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- 4.The Chief Educational Officer,
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