



WEB COPY



W.P.No.19140 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.19140 of 2020
and
W.M.P.No.23708 of 2020

A.Venkatachalam

...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 Chief Educational Officer,
Salem District, Salem.

4.The District Educational Officer,
Attur Educational District,
Attur, Salem District.

5.The Headmaster,
Government Higher Secondary School,
Kattukottai, Attur Taluk,
Salem District – 636 121.

...Respondents



W.P.No.19140 of 2020

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fifth respondent School in Na.Ka.No.105 dated 29.10.2020 and to quash the same and consequently direct the respondents to sanction the second set of incentive increment to the petitioner from the date of acquisition of higher qualification of Ph.D., as permitted as per G.O.Ms.No.1024, Education, Science and Technology Department dated 09.12.1993 and G.O.Ms.No.1170 Education, Science and Technology Department dated 20.12.1993 with all consequential and other attendant benefits and to pass such further orders.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition is filed to quash the impugned proceedings issued by the fifth respondent School in Na.Ka.No.105 dated 29.10.2020 and consequently direct the respondents to sanction the second set of incentive increment to the petitioner from the date of acquisition of higher qualification of Ph.D., as permitted as per G.O.Ms.No.1024, Education, Science and Technology Department dated 09.12.1993 and G.O.Ms.No.1170 Education, Science and Technology Department dated 20.12.1993 with all consequential



W.P.No.19140 of 2020

and other attendant benefits.

WEB COPY

2. The case of the petitioner is as follows:

2.1 The petitioner participated in the selection to the post of P.G. Assistant conducted by Teachers Recruitment Board (TRB). Based on which, the petitioner was selected and appointed to the post of P.G. Assistant (Botany) and P.G. Assistant (Zoology) respectively in Higher Secondary Education Service vide Proceedings of Joint Director of School Education Higher Secondary dated 27.05.2013 and 28.03.2015 and he has been allotted to Government Higher Secondary School, Kattukottai, Attur Taluk, Salem District and Government Higher Secondary School, Kuruvadi, Ariyalur Taluk. The petitioner has subsequently acquired Ph.D. Degree in the subject Chemistry and Zoology in the year 2017.

2.2 The Government issued orders in G.O.Ms.No.42 Education Department dated 10.01.1969 for granting incentive increment for the teachers acquiring higher qualification. Consequently, after the introduction of Higher Secondary sections from the year 1978, the Government issued orders in G.O.Ms. No.74 dated 18.08.1986 to grant incentive increment for P.G Teachers and Headmasters of Higher Secondary Schools for acquiring



W.P.No.19140 of 2020

the higher qualification of M.Ed., degree.

WEB COPY

2.3 In this regard, the Government issued orders in G.O.Ms.No.1023 dated 09.12.1993 for restricting incentive increment for a teacher by stating that the maximum number of advance increments which a teacher can obtain shall be four (two incentive increments) in his entire service. Consequently, the Government issued orders in G.O.Ms.No.1024 dated 09.12.1993 amending G.O.Ms.No.42 dated 10.01.1969 by making it clear that a teacher shall be entitled for two sets of incentive increment (4 advance increments) for acquiring higher qualification in his entire service.

2.4 In the said circumstances, having regard to the fact that the P.G.Assistant teachers and Higher Secondary School Headmasters are made eligible for one set of incentive increment for acquiring M.Ed., degree alone, it was represented to grant incentive increment for having acquired M.Phil./Ph.D/ P.G.D.T.E. Accordingly, the Government issued orders in GO.Ms.No.1170 dated 20.12.1993 to grant incentive increment for P.G. Assistant teachers and Higher Secondary School Headmasters, the second set of incentive increment for having acquired M.Phil./Ph.D/P.G.D.T.E.



W.P.No.19140 of 2020

2.5 The Petitioner has studied M.Phil., degree in the year 2009 itself.

Therefore, he is entitled for incentive increment for having acquired M.Phil., degree which will be the first incentive increment in their service career. Accordingly, the petitioner was granted with one set of increment (two advance increments) for acquiring the higher qualification of M.Phil., from the date of their appointment.

2.6 The M.Ed., degree course is discontinued through distance education and hence it has to be studied only as a regular course and therefore the teachers in service are deprived of an opportunity to acquire M.Ed degree qualification. In the said circumstances, when the B.T. Assistant teachers lost an opportunity of studying M.Ed degree to acquire second set of incentive increment, the Government issued orders in G.O.(1D) No.18 School Education Department, dated 18.01.2013 including M.Phil and Ph.D along with M.Ed. so that B.T. Assistant teachers acquiring M.Phil and Ph.D., made eligible for second set of incentive increment. Accordingly, the object of availing two sets of incentive increment for a teacher as stated in G.O.Ms.No.1024, Education, Science and Technology Department dated 09.12.1993 is satisfied. Similarly, PG Assistant teachers in the absence of M.Ed degree, are made eligible for two sets of incentive increments on



W.P.No.19140 of 2020

acquiring M.Phil and Ph.D., when the said degrees have already been included as eligible degree for sanctioning of incentive increment as per G.O.Ms.No.1170 dated 20.12.1993 and G.O.Ms.No.194 School Education Department dated 10.10.2006.

3. Learned counsel appearing for the petitioner submitted that the petitioner was qualified with Ph.D. in the year 2017 and submitted an application for sanctioning of incentive increment (two sets of incentive increment) as per G.O.Ms.No.1170 dated 20.12.1993 and G.O.Ms.No.1024 dated 09.12.1993. Whereas the Headmaster of the 5th respondent School issued the impugned proceedings dated 29.10.2020 and 07.11.2020 respectively, rejecting the claim for incentive increment for Ph.D. on the premises that the petitioner was already granted incentive increment for M.Phil. Degree as per G.O.Ms.No.1170 dated 20.12.1993 and that he is entitled for incentive increment either for M.Phil. Degree or for Ph.D. Degree and thereby he is not eligible for the second incentive increment for Ph.D. Hence, the present Writ Petition has been filed.

4. Learned counsel further submitted that the petitioner is willing to give a representation to the respondents for second incentive increment,



W.P.No.19140 of 2020

which may be considered by the respondents on merits and in accordance with law.

5. A counter affidavit was filed on behalf of the third respondent during March 2021.

6. Heard both sides and perused the materials available on record.

7. In view of the above submission made by the learned counsel for the petitioner, this Court is inclined to pass the following directions :

- a) The petitioner is directed to give a representation to the third respondent to sanction the second set of incentive increment to the petitioner from the date of acquisition of higher qualification of Ph.D. Degree within a period of two weeks from the date of receipt of a copy of this order.**
- b) On receipt of the same, the third respondent is directed to consider the petitioner's representation and pass appropriate orders on merits and in accordance with law by taking into consideration G.O.(1D)No.18, School Education (E2) Department dated 18.01.2013 within a period of six weeks thereof.**



W.P.No.19140 of 2020

WEB COPY

In the result, **the writ petition stands disposed of with the above observations and directions.** No costs. Consequently, connected miscellaneous petition is closed.

15.11.2024

cda

Index : Yes / No

Speaking/Non Speaking order

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,



W.P.No.19140 of 2020

Secretariat, Fort St.George,
Chennai – 600 009.

WEB COPY

- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
Salem District, Salem.
- 4.The District Educational Officer,
Attur Educational District,
Attur, Salem District.
- 5.The Headmaster,
Government Higher Secondary School,
Kattukottai, Attur Taluk,
Salem District – 636 121.

J.SATHYA NARAYANA PRASAD, J.

cda



WEB COPY



W.P.No.19140 of 2020

W.P.No.19140 of 2020

15.11.2024