



W.P.No.33175 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

CORAM

THE HON'BLE MR. JUSTICE **BATTU DEVANAND**

W.P.No.33175 of 2017
and
W.M.P.No.36583 of 2017

M.Usha Rani

... Petitioner

Vs.

1. District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

2. Assistant Elementary Educational Officer,
Arni, Thiruvannamalai District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 2nd respondent in his Proceedings Na.Ka.No.829/A1/2017 dated 13.12.2017 and quash the same and direct the respondents to confer all consequential benefits to the petitioner.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.R.Neelakandan, AAG
assisted by Mr.V.Manoharan, AGP (Edu)



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ORDER

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The case of the petitioner is that she was appointed as Secondary Grade Teacher on 01.02.1990 and thereafter promoted as Headmistress of Elementary School on 11.07.2005 and as B.T.Assistant (Tamil) on 18.12.2007 and subsequently promoted as Headmaster of Middle School on 02.12.2008. The petitioner acquired B.A., in 1991, B.Ed in 1993 and M.A. in 1997 and she was sanctioned one incentive increment on 18.05.1997 for acquiring higher qualification. In the meanwhile, the petitioner came to know that her Junior by name M.Amudha got more scale of pay and requested to step up the pay on par with her Junior, the 1st respondent by his order dated 10.05.2013 stepped up the scale of pay with effect from 01.07.2010. Whiles, the 2nd respondent issued notice dated 05.12.2017 which was served on the petitioner on 11.12.2017 enclosing the audit objection. The said audit objection states that the incentive increment for B.Ed qualification is not available for Headmaster/Headmistress of Middle School are not entitled for incentive increment for acquiring B.Ed qualification. Thereafter, the petitioner submitted her objection on 13.12.2017, the 2nd respondent without considering the representation



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served the impugned order of recovery dated 13.12.2017, directing the petitioner to deposit the entire amount in one lump sum.

2. In the present case, on relying several Government Orders issued by the first respondent, wherein it is decided to provide incentive payment to the Teachers in Schools, who acquired higher educational qualifications, the petitioner contends that she is entitled for incentive after completion of B.Ed. With the said request, the petitioner made a representation to the respondents on 13.12.2017. The 2nd respondent by an impugned order dated 13.12.2017, refused the request of the petitioner to allow incentive for completion of B.Ed., degree. Hence, the present writ petition.

3. Learned counsel for the petitioner contends that the impugned order passed by the 2nd respondent is illegal, mala fide and utter violation to the principles of natural justice. As the petitioner acquired additional qualification, she is eligible for the incentive increments, as per the Government Orders issued time to time.



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4. The learned Additional Advocate General appearing for the respondents contends that as the basic qualification for promotion as Head Master of the Middle School is a degree of any University in the State or a degree of equivalent standard and B.T., or B.Ed., degree of any University in the State, the petitioner already promoted as Middle School Headmaster, she is not entitled for any further incentive for acquiring B.Ed., degree.

5. The learned Additional Advocate General placed reliance on the common judgment dated **20.12.2023** in **W.A.(MD).No.2124 of 2023** and batch of the Madurai Bench of this Court and **WP.(MD).No.1237 of 2016** dated **21.03.2022**.

6. The relevant paragraph at Paragraph 14 of the order dated **21.03.2022** cited supra is extracted hereinunder :-

14. On perusal of these Government Orders, it has been specifically stated that acquiring B.Ed., will not be considered as higher qualification and they are not entitled to. The concept behind this is that the Tamil Nadu Government in order to promote Tamil has taken the policy decision to grant promotion for Tamil Pandits with B.Lit. qualification as Primary School Headmaster or Middle School Headmaster and treat them on par with the B.T. And B.Ed., degree. Therefore, the Government has taken the policy decision that B.Lit.,



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8. Accordingly, for the reasons stated above, this Writ Petition is dismissed.

9. There shall be no order as to costs.

10. Consequently, connected miscellaneous petition is closed.

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Speaking/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

1. District Elementary Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

2. Assistant Elementary Educational Officer,
Arni, Thiruvannamalai District.



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BATTU DEVANAND.J.,
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