



W.P.(MD).Nos.2710 to 2721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).Nos.2710 to 2721 of 2024

W.P.(MD)No.2710 of 2024

I.Margaret Rossy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Finance,
Fort St. George,
Chennai-600 009.
- 2.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 3.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 4.The District Educational Officer
(Elementary)
Trichy, Trichy District.



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5.The Block Educational Officer,
Thiruvarampu, Trichy District.

... Respondents

Prayer in W.P.(MD)No.2710 of 2024 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to sanction second Incentive Increment / two advance increments for acquiring M.A. in Tamil Degree.

In all Writ Petitions:

For Petitioner : Mr.S.Xavier Rajini

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

COMMON ORDER

W.P.(MD)No.2710 of 2024 has been filed directing the respondents to sanction second Incentive Increment / two advance increments for acquiring M.A. in Tamil Degree.

2. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.



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3. The brief facts which are necessary for the disposal of these Writ Petitions are as follows:-

The petitioners are Secondary Grade teachers working in various Panchayat Union Primary Schools. The crux of the cases of all the petitioners is that the petitioners have acquired higher qualifications over and above the qualification prescribed for the appointment of Secondary Grade Teachers. The Government announced the payment of such increments to Secondary Grade teachers, vide G.O. M.S. No. 42 (Education) dated 10.01.1969 for acquiring higher qualification. Accordingly, after passing B.Lit and B.Ed degrees, the respondents sanctioned Incentive Increment / two advance increments to the petitioners. After obtaining prior permission from the Block Education Officer, the petitioners joined to undergo higher education and have obtained post graduate in various subjects including Tamil, History, Science, etc., in the year December 2018. As such, they are entitled to get second Incentive Increment / two advance increments w.e.f., the next day of last examination. All the teachers requested the Block Education Officer to sanction second incentive increment / two advance increments for acquiring the higher education.



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However, the same was not sanctioned, in view of [G.O.Ms. No. 37](#) (Personnel and Administrative Reforms (FR-IV) Department) dated 10.03.2020 and [G.O.Ms. No. 116](#) (Personnel and Administrative Reforms (FR-IV) Department) dated 15.10.2020. Hence, the petitioners made several representations on 07.06.2020, 09.10.2022 and 05.12.2023, to the respondents requesting to sanction second Incentive Increment / two advance increments for acquiring higher education. However, considering the same, no orders came to be passed. Hence, these writ petitions came to be filed.

4. The learned Special Government Pleader submitted that they are entitled to grant of incentive increment only subject to the fulfilling the conditions mandated in Clause 6 (VI) of G.O.No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. However, the matters in hand is no more res integra.

5. Heard, the learned Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents. Perused the materials available on record.



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6. I have dealt with in W.P.(MD)No.7138 of 2023 and passed an order in favour of the petitioners in the said case dated 28.07.2023. The relevant portion of the same is extracted as follows:

“6.This Court is of the considered view that the impugned order, dated 03.01.2023 passed by the third respondent is not passed in consonance with G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. Clause 6(vi) of the said G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 is extracted as follows:-

“vi.The cases of Government servants who have acquired 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 concurrence of Finance Department.”

There is a specific mention in the said Clause that the cases of Government servants who have acquired higher qualifications prior to the issue of the said G.O and were not sanctioned with advance



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increments would be examined separately as per the previous orders issued in concurrence with the Finance Department.

7.Asfar as this case is concerned, all the petitioners acquired higher qualifications before 10.03.2020 and mostly in the years 2015 and 2016. Though they have not obtained prior permission for acquiring the said qualification M.Phil, they have repeatedly requested later for ratification of acquiring the higher qualification. This issue is no more res integra and time and again, this Court has held that the petitioners would be entitled for incentive increments for having possessed higher educational qualifications even though they had not obtained prior permission from the authorities for having undergone the course for such higher education. Clause 6(vi) of G.O(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, also mandates that the cases of the Government servants who have acquired higher qualifications would be examined in terms of the previous orders issued. In view of the same, these writ petitioners are also entitled to incentive increments which they have acquired for the post of higher qualification.”

7. Adopting the said order, I hereby direct the respondents to consider the petitioners' representations dated 07.06.2020, 09.10.2022 and 05.12.2023 and pass appropriate orders in the light of order passed by this Court in W.P.



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(MD)No.7138 of 2023 within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. Accordingly, these writ petitions are disposed of. No costs.

08.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of Finance,
Fort St. George,
Chennai-600 009.

2.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
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L.VICTORIA GOWRI, J.

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