



W.P.(MD)No.12755 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.12755 of 2021
and
W.M.P.(MD).Nos.9929 & 9930 of 2021

The Secretary,
Guruvappa Higher Secondary School,
Neikkarapatti,
S.K.C. Nagar,
Palani-624 615,
Dindigul District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 009.
- 3.The Joint Director of School Education,
College Road, Chennai-600 009.
- 4.The Chief Educational Officer,
Dindigul, Dindigul District.



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5.The District Educational Officer,
Palani, Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the fifth respondent District Educational Officer in O.Mu.No.1248/A4/2021, dated 15.04.2021 quash the same and further direct the fourth and fifth respondents to sanction and disburse forthwith incentive increment to P.Gomathi in the post of BT Assistant (Science) for possessing M.Phil Degree w.e.f 20.09.2016.

For Petitioner : Mr.K.Ragatheesh Kumar,
for M/s.Isaac Chambers

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 15.04.2021, passed by the fifth respondent, rejecting the petitioner's request for incentive increment on the ground that G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, which deals with grant of incentive increment, has been suspended for M.Phil. Degree holders.

2. In this Writ Petition, Mrs.P.Gomathi, who is the Teacher in the Guruvppa Higher Secondary School, had completed her M.Phil. Degree prior to



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the date of G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV)

Department dated 10.03.2020. She acquired M.Phil. Degree on 19.09.2016.

3. The contention of the respondents as raised in this Writ Petition was considered in detail by the Division Bench of this Court in ***W.A.(MD).No. 975 of 2024*** dated 12.06.2024 in the case of ***the Director of Elementary School Education, College Road, DPI Campus, Chennai-6 and Others Vs. M.Fatima Vijaya Latha and others***. The Division Bench held that G.O.(Ms).No.37, dated 10.03.2020, does not operate retrospectively and the purposive interpretation of Clause 6 (vi) in the Government Order can only be that the Teachers, who had acquired higher qualification prior to the issuance of Government Order and if otherwise qualified are eligible for sanction of the incentive increment. The Division Bench held that the Teachers, who after obtaining necessary permission from the authorities, had acquired higher qualification i.e., wherever the Degrees had been awarded prior to issuance of G.O.(Ms).No.37, dated 10.03.2020, are entitled for advance increment for the higher qualification, if it is within the limit of two incentive increments in their career. In the case on hand, admittedly, the said Mrs.P.Gomathi had acquired her M.Phil. Degree in April 2015 itself, whereas, G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 was issued



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only on 10.03.2020. The Division Bench judgment of this Court referred to ^{supra} squarely applies to the case on hand and therefore, the relief sought for in this Writ Petition has to be granted, since G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 does not operate retrospectively.

4. Accordingly, the impugned order dated 15.04.2021, passed by the fifth respondent is hereby quashed and this Writ Petition is allowed by directing the fourth and fifth respondents to sanction and disburse forthwith the incentive increments (maximum of two) payable to the said Mrs.P.Gomathi in the post of B.T. Assistant (Science) for possessing M.Phil. Degree within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is directed to submit all the relevant documents to the fourth and fifth respondents to enable them to grant her the incentive increments. No costs. Consequently, connected miscellaneous petitions are closed.

06.09.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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ABDUL QUDDHOSE, J.

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