



W.P(MD)No.13541 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.13541 of 2022 and
WMP(MD) No.9642 of 2022

Josephine Gnanasoundari.I

... Petitioner

Vs

- 1.The State Rep By,
The Secretary,
School Education Department,
Fort St. George,
Chennai- 600 009.
- 2.The Director,
School Education Department,
DPI Complex, College Road,
Nungambakkam,
Chennai.
- 3.The Regional Accounts Officer,(Audit),
School Education Department,
Madurai Region, Madurai.
- 4.The Chief Educational Officer,
Dindigul District, Dindigul.



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5.The Headmistress,
Government High School, Padiyoor,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned Order of recovery passed by the fifth Respondent vide Na.Ka.No. 131/2021-22, dated 07.05.2022 and quash the same as illegal and for other reliefs.

For Petitioner	: Mr.J.Lawrance
For Respondents	: Mr.G.V.Vairam Santhosh, Additional Government Pleader

ORDER

The petitioner was appointed as a Physical Education Teacher with a basic qualification of "Certificate of Physical Education", in the Government High School, Kasipalayam, Dindigul District. After completion of her probation period and on completion of 10 years of service, she was awarded with a selection grade in the post of Physical Education Teacher. Thereafter, she has acquired an additional qualification of PG Diploma in Yoga and therefore, she has



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made a request for an incentive increment and the same was granted to this petitioner. The Regional Accounts Officer (Audit), Madurai, vide proceedings in Na.Ka.No.697/A9/2019, dated 15.10.2019 has raised an audit objection that the incentive increment has been wrongly granted to this petitioner for having completed PG Diploma in Yoga. Therefore, a proceedings in Na.Ka.No.151/2020, dated 06.05.2020 has been issued, in and by which, the petitioner was directed to remit back the amount, which she has already received towards incentive increment. Challenging the same, the petitioner has filed a writ petition in WP(MD) No.22327 of 2021 and this Court, by order, dated 16.12.2021 has disposed of that writ petition with a direction to the petitioner to submit her reply and a further direction was issued to the respondent to pass final order by considering her reply. Accordingly, the Headmistress, Government High School, Padiyoor, Dindigul has passed an order in her proceedings in Na.Ka.No.131/2021-22, dated 07.05.2022, directing the petitioner to remit back the amount, which she has received towards incentive increment. Challenging the same, the petitioner has approached this Court in the year 2022.



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2.The learned counsel appearing for the petitioner submits that the teachers, who have acquired PG Diploma in Yoga have been granted with an incentive increment. However, the petitioner alone has been denied though she has upgraded her qualification with PG Diploma in Yoga. According to the learned counsel, the PG Diploma in Yoga is a Course, which is connected to the physical education and those who have acquired PG Diploma in Yoga are entitled for incentive increments.

3.The learned Additional Government Pleader appearing for the respondents submits that incentive increments have been granted to the Physical Education Teachers and the Physical Education Directors Grade I and II in order to reward them. The prescribed qualification eligible for the incentive increments have been issued as guidelines by the Government in G.O.Ms.No.177, School Education Department, dated, 13.10.2016. As per the aforementioned Government order, the Physical Education Teachers, who possess the qualification



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of B.P.Ed., BPES or BMS are entitled for first incentive increment and those, who are having the higher qualification of M.P.Ed., MPES or P.G.Diploma in Yoga are entitled for second incentive increment. Here, in the present case on hand, the petitioner, who has joined duty with a basic qualification of "Certificate of Physical Education" has not completed any under graduate degree meant for Physical Education Teachers, such as B.P.Ed., BPES, BMS or any other equivalent qualification. When the petitioner is not entitled for the first incentive increment, she could not be considered for the second incentive increment. However, it has been wrongly granted to her for having completed PG Diploma in Yoga and later it was found in the audit objection and therefore, an order of recovery of incentive increment has been passed. Hence, there is no need to interfere with the order impugned in this writ petition.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The incentive increments were provided to the Physical Education Teachers by the Government from the year 1969 for the purpose of rewarding them. Certain guidelines have also been issued by the Government on the eligibility of the incentive increments for those who have acquired higher qualification. It is clarified that as per G.O.Ms.No.177, School Education Department, dated, 13.10.2016, the Physical Education Teachers, who possess the qualification of B.P.Ed., BPES or BMS are entitled for first incentive increment and those who are having the higher qualification of M.P.Ed., MPES or P.G.Diploma in Yoga are entitled for second incentive increment. Admittedly, this petitioner was appointed with a basic qualification of a Certificate in Physical Education and she did not complete any under graduate course meant for Physical Education. However, she has completed PG Diploma in Yoga. Therefore, she is not entitled for any incentive increment. The aforesaid Government Order does not permit for grant of an incentive increment in such cases. However, it has been wrongly fixed and later it has been corrected, after audit objection.



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6. In view of the above, this Court is not inclined to interfere with the impugned order. At this juncture, the learned counsel for the petitioner claims that some Physical Education Teachers, who possess PG Diploma in Yoga are provided with incentive increments, however, this petitioner has been denied, though she has acquired the additional qualification of PG Diploma in Yoga. Therefore, he seeks liberty to challenge the Government Order in G.O.Ms.No.177, School Education Department, dated, 13.10.2016. This writ petition is dismissed. It is always open to the petitioner to challenge the aforesaid Government Order, if she is so advised. No costs. Consequently, connected Miscellaneous Petition is closed.

18.12.2024

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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