



WP(MD). No.15225 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 10.07.2024

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THE HON'BLE Ms.JUSTICE R.N.MANJULA

**WP(MD). No.15225 of 2024
and WMP(MD) Nos.13342 and 13343 of 2024**

J.Sundersingh Vinsraj

... Petitioner

Vs

**1. The Director of Elementary Education,
DPI Campus, Chennai - 6..**

**2. The District Educational Officer (Elementary),
Kovilpatti, Thoothukudi District..**

**3. The Block Educational Officer,
Kovilpatti,
Thoothukudi District..**

**4. The Correspondent,
TNDTA Primary School
Keela Iral, Ettayapuram Taluk
Thoothukudi District..**

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.No. 254/A1/2022 dated 29.04.2024 and the consequential impugned order in Na.Ka.No.254/A1/2022 dated 19.06.2024 on the file of the respondent



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No.3 and quash the same as illegal and consequently for a direction, directing the respondent to restore the incentive increment granted to the petitioner for acquiring higher qualification within the time period stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman
For Respondent : Mr.T.Amjad Khan
Government Advocate for R1 to R3

ORDER

By consent, the writ petition itself is taken up for final disposal at the admission stage itself.

2.Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and the learned Government Advocate for the respondents.

3.The petitioner has filed this writ petition challenging the impugned orders dated 29.04.2024 and 19.06.2024 of the third respondent and for a consequential direction to the respondents to restore the incentive increment granted to the petitioner for acquiring higher qualification.



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4. The learned counsel for the petitioner submitted that the petitioner had completed her MA degree in the year 1999 and he had also completed BA degree in the year 2014 and B.Ed., in the year 2018. There is no dispute that the completion of MA and B.A degrees are considered for his qualification, for which, incentive increments are permitted. Subsequently in the year 2013, a Government order has been issued in G.O.Ms.No.118 dated 10.07.2013 through which, the earlier permission granted for sanctioning incentive increment for persons, who had directly acquired MA through Open University, degree has been cancelled.

5. Even in the impugned order, it is stated that the petitioner had acquired MA degree during 1999, which is much prior to the issuance of G.O.Ms.No.118 dated 10.07.2013. In other words, the petitioner had acquired his MA degree, when the earlier Government order in G.O.Ms.No.307 dated 15.12.2000 was in force. The said Government order was passed entitling the persons, who had acquired MA degree, through open university, for incentive increment. For both MA degree, which the petitioner acquired in the year 1999 and B.Ed., which he acquired in the year 2018, incentive increments have been granted in the



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year 2018, during which time, G.O.Ms.No.118 dated 10.07.2013 was not in force.

6. So far as the petitioner's qualification in B.Ed., is concerned, the petitioner had acquired B.Ed., degree only after finishing B.lit in the year 2014, ie., in the year 2018. When the impugned order has been passed canceling the incentive increment in view of the petitioner's acquisition of MA degree in open university, the third respondent had omitted to notice that the petitioner had completed MA degree much prior to issuance of G.O.Ms.No.118 dated 10.07.2013.

7. Since the order has been passed by overlooking the fact that G.O.Ms.No.118 dated 10.07.2013 was not in force during the time when the petitioner had acquired MA degree, it is liable to be interfered with.

8. Even when there is no quarrel with regard to B.Ed., degree of the petitioner, that was also dealt with in the impugned order unnecessarily.



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9. Since the petitioner does not come under the purview of G.O.Ms.No.118 dated 10.07.2013, the impugned order dated 29.04.2024 cancelling the incentive increment and the consequential order of recovery issued on 19.06.2024 are liable to be set aside.

10. Accordingly, the writ petition is allowed and the impugned orders of the third respondent dated 29.04.2024 and 19.06.2024 are set aside and the respondents are directed to restore the incentive increments without any deduction. No costs. Consequently connected Miscellaneous Petitions are closed.

10.07.2024

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TO

1. The Director of Elementary Education,
Dpi Campus, Chennai - 6..

2. The District Educational Officer (Elementary),
Kovilpatti, Thoothukudi District..

3. The Block Educational Officer,
Kovilpatti, Thoothukudi District..

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R.N.MANJULA,J

RR

**ORDER
IN
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Date : 10/07/2024