



WP(MD). No.15054 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08/07/2024

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The Hon`ble Ms.Justice R.N.MANJULA

**WP(MD). No.15054 of 2024
and WMP(MD) No.13196 of 2024**

Krishnaveni

... Petitioner

Vs

1.The Director of Elementary Education,
O/o.Director of Elementary Education,
DPI Campus, Chennai 6

2.The District Educational Officer (Elementary)
O/o.The District Educational Officer (Elementary)
Aranthangi, Pudukottai District.

3.The District Educational Officer
O/o.The District Educational Officer
Aranthangi, Pudukottai District.

4.The Block Educational Officer,
O/o.The Block Educational Officer,
Karambakudi Block, Pudukottai District

... Respondents

PRAYER :-Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent No.3 in Na.Ka.No.0051/௮1/2022 dated 24.01.2024 and the



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consequential impugned order in Na.Ka.No.0051/அ1/2022 dated 28.05.2024 and quash the same as unconstitutional and illegal.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The writ petition has been filed challenging the impugned order passed of the respondent No.3 dated 24.01.2024 and 28.05.2024.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

3. By consent, the writ petition itself is taken up for final disposal.

4. The petitioner has joined as a Secondary Grade Teacher in the year 1988. Subsequently she was promoted to the post of Primary School Headmistress in the year 1999, thereafter, middle school headmistress in the year 2007. The petitioner has acquired B.Ed., degree in the year 2012, which is a higher qualification. The petitioner has acquired B.Ed., degree and subsequent to the acquiring of B.Ed., degree,



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she was granted with incentive increment. However, vide the impugned order, the same has been withdrawn stating that the petitioner is not entitled to any incentive increments since the B.Ed., is not a higher qualification.

5. When similar issues came before the writ Court in WP(MD) No. 16561/2017, the learned single Judge, vide order dated 28.10.2021, allowed the writ petition. However, the Government had taken it on appeal in WA(MD) No.1429/2022. The Division Bench has passed an order on 24.01.2024 thereby confirming the order of the learned Single Judge with the following observations:

“4. The aforesaid decisions are not the only case, in which incentive increments have been awarded to the Middle School Headmasters for having acquired B.Ed., degree. In the case of R.Jeeva and another Vs. The District Elementary Education Officer, Karur, passed in W.P.(MD)Nos. 16574 and 16576 of 2019, dated 04.12.2019, one of us (MSRJ) had relied upon an order of the Division Bench of this Court in W.A.(MD)No.435 of 2107, which inter alia placed reliance on the clarification of the Director of Elementary Education, dated 24.11.2006, wherein it was clarified that since



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B.Lit., degree is also one of the qualification for promotion to the post of Middle School Headmaster and B.Ed., degree is not an essential Page 4 of 10 <https://www.mhc.tn.gov.in/judis> W.A.(MD).No.1429 of 2022 qualification, such a Headmaster would be entitled for incentive increment for acquiring B.Ed., degree. On the basis of this decision, the two Middle School Headmistress were awarded with incentive increment.

5. Apart from all the proceedings of the Director of Elementary Education and the orders passed by this Court, numerous similar orders have also been passed, whereby the ratio that a Middle School Headmaster, who acquires higher educational qualification, would be entitled for incentive increment has been upheld. In all these cases, the Director of Elementary Education has been a party to the proceedings. In spite of this, we have been witnessing indiscriminate orders being passed by the District Elementary Educational Officers, cancelling the incentive increment already granted to the Middle School Headmasters, without reference to their own earlier proceedings. In the present writ appeal also, the first respondent herein is a victim to one such indiscriminate decisions of the educational authorities. Thus, we do not find any reason as to why the order of the learned Single Judge requires interference and the



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R.N.MANJULA,J

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