



W.P.(MD).No.17358 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.17358 of 2024

Nagalakshmi

... Petitioner

Vs

1. The Chief Educational Officer,
Chief Education Office,
Pudukkottai, Pudukkottai District.

2. The Head Master,
Government Higher Secondary School,
Odugampatti,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to sanction and disburse the advance increment / incentive for the petitioner's higher qualification of M.Sc. (2018) M.Ed., (2013) (Mathematics) from 2017 along with arrears within a time frame stipulated by this Court.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.M.Siddharthan
Additional Government Pleader



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ORDER

Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.The petitioner has filed this Writ Petition seeking for a direction to the respondent to sanction and disburse the advance increment / incentive for the petitioner's higher qualification of M.Sc. (2018) M.Ed., (2013) (Mathematics) from 2017 along with arrears.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the entitlement of incentive increment claimed by the petitioner is kept pending by citing G.O.Ms.No.37, Human Resources Management, dated 10.03.2020. Since the petitioner has completed her higher qualification even prior to 10.03.2020, she is entitled to get an advance increment for acquiring higher



qualification. In this regard, she has made several representations before the respondents. However, the same were not considered.

5.A similar issue has arisen before the Division Bench of this Court in W.A.(MD) 1052 of 2022, dated 21.06.2022. The Division Bench has also confirmed that the incentive increment is permissible for those persons, who already have the higher qualification prior to 10.03.2020 cannot be denied with the said benefit by citing the above G.O. The relevant portion is extracted hereunder:

“12.In the instant case, the Writ Petitioner has, admittedly, acquired additional qualification by getting proper permission prior to issuance of G.O.(Ms)No.37 and it is his second incentive increment and in fact, the same also had been considered and granted by the appellants by proceedings, dated 19.12.2019 with effect from 01.07.2017. Hence, the argument of the appellants that in view of the clarificatory order, the Writ Petitioner is not entitled for the incentive increment, cannot be sustained and accordingly, rejected. The learned Judge, had rightly, arrived at a conclusion that the Writ Petitioner is entitled for the grant of second incentive increment and the same cannot be denied in



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view of G.O.(Ms)No. 37 and G.O.(Ms)No.95, which needs no interference and accordingly, sustained.”

6. In this regard, it is appropriate to refer the earlier order of this Court in W.P(MD) No.12797 of 2024, dated 18.06.2024. In the said order, this Court has made the following observation:

“4.On perusal of G.O.Ms.No.95, it is stated that the lump-sum amount is awarded for the State Government employees for having acquired additional qualification after 10.03.2020. The relevant part of G.O.Ms.No.95 would read as under:

“6.Accordingly, orders were issued in the Government order third read above, namely G.O.(Ms) No.120, Human Resources Management (FR-IV) Department, dated 01.11.2021, for granting incentive in the form of one-time lumpsum amount to the State Government Employees for having acquired additional qualification after 10.03.2020 as follows:-

<i>Sl.No.</i>	<i>Higher Qualification</i>	<i>Amount (Rs)</i>
<i>1</i>	<i>Ph.D</i>	<i>25,000/-</i>
<i>2</i>	<i>P.G.Degree or equivalent</i>	<i>20,000/-</i>
<i>3</i>	<i>Degree/Diploma</i>	<i>10,000/-</i>



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It may be noted that this decision emulates closely the decision taken by Government of India which in turn based on the 7th Central Pay Commission recommendations, ie., to grant a one time lumpsum incentive to the relevant higher educational qualifications. In this regard, further clarifications were also issued in the Government letter fourth read above.”

5.Since the petitioner has claimed that her husband had acquired the higher qualification of M.Phil Degree in the year 2018 itself, I feel the application of G.O.Ms.No.95 for the petitioner's case and awarding a lump-sum is not correct.

6.In view of the same, this Writ petition is allowed and the impugned order in Na.Ka.No.O3/7653/2024, dated 27.05.2024 is hereby set aside. The respondents are directed to reconsider the representation of the petitioner afresh and pass orders by sanctioning the incentive increment for acquiring M.Phil Degree by the petitioner's husband, within a period of four weeks from the date of receipt of copy of this order.”

7.Since the petitioner is also similarly placed person, this petition is allowed and the respondents are directed to reconsider the application of the petitioner in terms of the above observations and earlier judicial



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pronouncements in this regard and pass appropriate orders, within a period of four weeks from the date of receipt of copy of this order. No costs.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Chief Educational Officer,
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R.N.MANJULA, J.

PNM

ORDER IN
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