



W.P(MD)No.19117 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 29.08.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.19117 of 2024**

**and**

**W.M.P(MD)No.16174 of 2024**

Mahendran

... Petitioner

Vs.

1.The District Educational Officer,  
Thanjavur,  
Thanjavur District.

2.The Block Educational Officer,  
Thanjavur Block,  
Thanjavur.

...Respondents

**PRAYER:**Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records relating to the impugned order passed by the 2<sup>nd</sup> respondent by his proceedings in Na.Ka.No. 1595/A1/2023, dated 22.06.2024, and quash the same.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.J.Ashok  
Additional Government Pleader

\* \* \* \* \*



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## **ORDER**

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The instant writ petition has been filed by a Headmaster of Primary School, challenging the order passed by the second respondent herein, wherein two incentive increments already granted to the writ petitioner for acquiring M.Com degree and B.Ed. decree stood cancelled.

2.According to the learned Counsel appearing for the writ petitioner, when he joined service on 31.01.1997, he was having the qualification of M.Com. Thereafter, after obtaining prior permission from the authorities by an order dated 25.03.2011, she had pursued B.Ed. course and he completed the same on 28.12.2012.

3.The learned Counsel appearing for the petitioner further submits that for having M.Com degree as well as for B.Ed. degree, two incentive increments were granted to the writ petitioner w.e.f.29.12.2012. Those two incentive increments are sought to be cancelled under the impugned order on the ground that the petitioner being a Secondary Grade Teacher, is not expected to take classes in the subject of Commerce. Therefore, the said M.Com degree would not be helpful to the students studying in classes from 1<sup>st</sup> to 8<sup>th</sup> standard. The



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impugned order further reveals that B.Ed. degree obtained only on the basis of M.Com degree and therefore, incentive increment granted for the B.Ed degree also stood cancelled. This order is under challenge in the present writ petition.

4.According to the learned Counsel appearing for the writ petitioner, the B.Ed degree was not based upon the M.Com degree but it was based only upon the B.Com degree obtained in the year 1987 and therefore, the authorities were not right in cancelling the incentive increments granted for acquiring B.Ed degree also.

5.Per contra the learned Counsel appearing for the respondents contended that only based upon the M.Com degree, B.Ed degree has been obtained and therefore, both the incentive increments have to be cancelled.

6.I have carefully considered the submission made on either side and perused the materials available on record.

7.The petitioner while joining in service in the year 1997, he was already holding M.Com degree. The petitioner has acquired B.Com decree in the year 1987 and M.Com degree in the year 1995. The petitioner had applied to the



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concerned authorities seeking permission for undergoing B.Ed degree and the said permission was granted by the authorities by way of proceedings, dated 25.03.2011. Based upon the said prior permission, the petitioner has undergone B.Ed degree and completed the same on 28.12.2012. These facts are not in dispute.

8.The petitioner has been granted with two incentive increments for acquiring M.Com degree and B.Ed degree w.e.f.29.12.2012.

9.A perusal of the proceedings of the Director of Elementary Education, dated 24.08.2016 reveals that the teacher is not entitled to receive the incentive increments, if he or she has acquired any additional qualifications in a subject which is not taught to the students of classes from 1<sup>st</sup> to 8<sup>th</sup> standard. In the present case, the petitioner having acquired the M.Com degree that too prior to date of appointment, is not eligible to receive incentive increment. However, the petitioner having acquired the B.Ed degree after obtaining prior permission, based upon her B.Com degree, cannot be denied with the incentive increment for the said B.Ed degree.



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10. In view of the above said facts, the order impugned in the writ petition is partly set aside with regard to the cancellation of incentive increments for B.Ed. degree alone. With regard to cancellation of incentive increments for obtaining M.Com degree, the impugned order stands confirmed.

11. Accordingly, this writ petition is partly allowed to the said effect. The respondents herein are directed to re-fix the salary on the basis of the orders of this Court. No costs. Consequently, connected miscellaneous petition is also closed.

**29.08.2024**

**1/2**

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

RJR



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To

- 1.The District Educational Officer,  
Thanjavur,  
Thanjavur District.
- 2.The Block Educational Officer,  
Thanjavur Block,  
Thanjavur.



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**R.VIJAYAKUMAR, J.**

RJR

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