



WA(MD). No.2274 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 08/11/2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.2274 of 2024
and CMP(MD) No.15938 of 2024

1. The Director of School Education,
O/o.the Director of School Education
DPI Compound
College Road,
Chennai 600 009.

2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Tenkasi
Tenkasi District

3. The District Educational Officer
O/o.The District Educational Office
Sankarankoil
Tenkasi District

4.The Block Development Officer,
O/o. The Block Development Office
Sankarankoil
Tenkasi District

... Appellants

Vs

1.P.Joy May Malar



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2.The Correspondent
TDTA Primary School
Sankarankoil
Tenkasi District

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 18.04.2024 in WP(MD). No. 5789/2021.

For Appellants : Mr.J.Ashok
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

Challenge is made to the order of the writ Court dated 18.04.2024 in WP(MD) No.5789/2021.

2. The first respondent herein, who possessed B.A., and B.Ed., degrees, was appointed as a Secondary Grade Teacher, for which, the required qualification is a pass in Teacher Training Course. However, since she was in possession of higher education, she has given an undertaking that she will not claim incentive increments for the higher qualification possessed at the time of her initial appointment. Later, after



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appointment, she had acquired M.A., and M.Ed., degrees and when she claimed incentive increments for this higher qualification, the appellants herein had rejected her claim by stating that she had already given up her claim for incentive increments at the time of her initial appointment itself. When this rejection was challenged before the writ Court in WP(MD) No.5789/2021, the writ petition came to be allowed by placing reliance on a decision of a coordinate Bench of this Court in *WA No. 1162/2023 dated 26.07.2023*, in which, further reliance was placed on an earlier decision in *WA No.511/2011 [State of Tamil Nadu v. Louis Rani]*.

3. The facts involved in the two decisions of the coordinate Benches, which were relied upon by the learned Single Judge, are identical to that of the case in hand. In those cases, the concerned Teachers had also given an undertaking at the time of initial appointment to the post of Secondary Grade Teacher, foregoing their claim for incentive increments for higher educational qualification they possessed, at the time of appointment. For the subsequent higher qualification obtained by that concerned Teacher, the Division Bench had approved



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their claim by observing that the initial undertaking of not to claim the incentive increments, will not apply to the subsequent higher educational qualifications. Since the case of the first respondent is also similar to that of the Teachers involved in the two writ appeals relied upon by the learned Single Judge, we are of the view that the learned Single Judge had rightly applied the precedent and had upheld the entitlement of incentive increment of the first respondent herein. Hence, there is no infirmity or illegality in the said decision.

4. Accordingly, the writ appeal stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

08.11.2024

NCC : Yes/No

Index : Yes/No

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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

RR

**ORDER
IN
WA(MD) No.2274 of 2024u**

Date : 08/11/2024