



W.A.(MD)No.1291 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2024

CORAM

**THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN
AND**

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.A(MD)No.1291 of 2018

Tamil Nadu Post Graduate Physical Education
Teachers Association represented by its President,
P.Senkathir, Madurai District. ... Appellant

VS

1.The State of Tamil Nadu,
represented by the Secretary to Government,
Education Department,
Fort St.George, Chennai - 600 009.

2.The Director,
School Education Department,
DPI Campus,
College Road, Chennai. ...Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside
the order of this Court dated 12.01.2018 passed in W.P(MD)No.765 of
2018.

For Appellant : Mr.B.S.Meltiue
For Respondents : Mr.M.Senthil Ayyanar
Government Advocate



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JUDGMENT

(Judgment of this Court was delivered by **C.V.KARTHIKEYAN, J.**)

Tamil Nadu Post Graduate Physical Education Teachers Association had filed the above Writ Appeal aggrieved by the dismissal of the Writ Petition filed by them in W.P.(MD)No.765 of 2018, in which Writ Petition, they had sought a direction against the respondent to sanction two incentive increments, for a Physical Directors-Grade-I, if they had higher qualification in Physical Education.

2.In the Writ Petition, reliance was placed on G.O.(Ms).No.624, School Education Department, dated 13.07.1992, G.O.(MS).No.1024, Education, Science and Technology Department, dated 09.12.1993, G.O.(Ms).No.324, Education, Science and Technology Department, dated 25.04.1995 and G.O.(Ms).No.194, School Department, dated 10.10.2006. The learned Single Judge had struck down the Writ Petition on the ground of maintainability as he was of the opinion that the Writ Petition at the instance of an Association would not be maintainable, particularly because



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this issue raised by the Writ Petition involved granting of relief to individual employees. It had been observed that the rights of the Association had not been infringed. It is under those circumstances, the present Writ Appeal had been filed.

3.We are now placed with a further Government Order, which is of the year 2016 and which supersedes all the Government Orders referred in the Writ Petition. This is G.O.(Ms)No.177, School Education Department, dated 13.10.2016. In this particular Government Order, with respect to Government Teacher's Certificate in Physical Education Lower Grade or Higher Grade, the necessary qualification which would entitle the Physical Education Teachers for grant of two incentive increment had been given.

4.It had been stated that the first incentive increment would be given on completion of B.T., or B.Ed., or B.PEd., or B.PES or BMS. It had been clarified that B.T. or B.Ed was originally available in G.O.Ms.624, Education Department, dated 13.07.1992. Later, by this particular Government Order, B.PEd., B.PES or BMS had been included to be considered for the grant of first incentive increment.



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5. Thereafter, it had been further stated that for the second incentive increment, further qualification in M.PEd., or MPES or PG Diploma in Yoga by recognized University or an equivalent educational qualification, would entitle individual candidate to get the second incentive increment. It had also been stated on behalf of the second respondent that if this qualification is obtained by individual members, Physical Training Grade-I Teachers, then there would be no bar in granting either the first incentive or the second incentive increment.

6. We are not entering into any discussion about the right of the Association to either file a Writ Petition or Writ Appeal, as by this clarification, individual members of the Association, who are suitably qualified, would be entitled either for the first increment or for the second incentive increment, as stated in G.O.(Ms)No.177, School Education Department, dated 13.10.2016



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7.Placing that particular clarification, the Writ Appeal stands disposed of. However, there shall be no order as to costs.

**[C.V.K., J] & [J.S.N.P., J]
16.08.2024**

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

cmr

To

1.The Secretary to Government,
The State of Tamil Nadu,
Education Department,
Fort St.George, Chennai - 600 009.

2.The Director,
School Education Department,
DPI Campus,
College Road, Chennai.



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Judgment made in
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