



W.A(MD)No.812 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.04.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

W.A(MD) No.812 of 2017

and

C.M.P(MD)No.5652 of 2017

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

02.The District Educational Officer,
Office of the District Educational Office,
Thallakulam, Madurai,
Madurai District.

... Appellants/Respondents 1 and 2

Vs.

01.A.Mary Jancy Rani ... 1st respondent/writ petitioner

02.The Correspondent,
St. Joseph's Girls Higher Secondary School,
Old Kuyavar Palayam,
Madurai,
Madurai District.

... 2nd respondent/3rd respondent



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Prayer: Appeal filed under Clause 15 of Letters Patent, against the order dated 08.12.2015 passed in W.P(MD)No.21286 of 2015.

For Appellants	:Mr.D.Sadiq Raja
For R-1	:Mr.S.Mohamed Suhail for M/s.Ajmal Associates
For R-2	:No Appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The present writ appeal is preferred by the respondents 1 and 2 in W.P(MD)No.21286 of 2015, challenging the order passed by the learned Single Judge on 08.12.2015.

2. Brief facts of the case are as follows:

- On 01.06.1995, the writ petitioner was appointed as a Secondary Grade



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Teacher, but with a rider that she would not be entitled to any advance increment for her graduation. Indeed, this appointment was made when there is shortage in qualified Secondary Grade Teachers. In terms of G.O.Ms.No.42 Education Department, dated 10.01.1969, the Secondary Grade Teachers, who after passing B.T., or B.Ed degree examination, if they acquire higher qualification ie., M.A., M.Sc., or M.Ed., they would be entitled to two advance increments for second time. This has to be read in conjunction with G.O.Ms.No.1023, Education Science and Technology Department, dated 09.12.1993. In terms of the second mentioned G.O., a Secondary Grade Teacher is eligible for two advance increments when he acquires BT., or B.Ed., qualification and again eligible for two advance increments when they acquire M.A., M.Sc., or M.Ed., qualification.

- When the writ petitioner applied for grant of two advance increments, the same came to be rejected. This became the subject matter of writ petition before the learned Single Judge.



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- Relying on an authority in ***G.Meenalochini vs. Chief Education Officer, Trichy*** [(2014) 8 MLJ 746], the learned Single Judge has directed payment of two advance increments only for the writ petitioner for acquiring M.Sc., and M.Ed., qualification. This order is now under challenge.

3. Heard the learned counsel appearing on both sides and perused the materials. The appellants only seek a modification of the order of the learned Single Judge as they are ready to comply with the writ petitioner's request for grant of two advance increments based on G.O.Ms.No.1023, dated 09.12.1993. In the said G.O., it is pointedly mentioned that a Secondary Grade Teacher would be eligible for two advance increments when he acquires M.A., M.Sc., or M.Ed. The conjunction which the Executive had used is "or" and not "and", which necessarily implied that the writ petitioner would be entitled to two advance increments as a one time incentive and it cannot be extended to each of the higher qualification that he had acquired. To that extent, the order of the learned Single Judge is clarified.



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4. This writ appeal is disposed of accordingly. No Costs. Consequently, connected Miscellaneous Petition is closed.

(N.S.S., J.) (P.V.M., J.)
03.04.2024

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

PM

To

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