



W.A(MD)No.610 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.610 of 2024
and
C.M.P(MD)No.4314 of 2024**

- 1.The Secretary,
School Education Department,
Secretariat,
St.George Fort,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.
- 3.The District Educational Officer,
District Educational Office,
Thoothukudi,
At Pudukkottai – 628 103,
Thoothukudi.
- 4.The Block Educational Officer,
Muniyasampuram,
Thoothukudi – 628 003.

... Appellants/Respondents

VS.



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1.A.Arockiamary

... 1st Respondent/Writ Petitioner

2.The Secretary,
Sahaya Matha Primary School,
Lions Town,
Thoothukudi.

... 2nd Respondent/5th Respondent

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 12.04.2023 made in W.P(MD)No.14110 of 2019.

For Appellants

: Mr.D.Sadiq Raja
Additional Government Pleader

For Respondents

: Mr.B.Vinoth Kumar for R.1
Mr.S.Savarimuthu
for M/s.Father Xavier Associates
for R.2

JUDGMENT

[Judgment of the Court was made by R.SURESH KUMAR, J.)

This Appeal has been directed against the order passed by the Writ Court, dated 12.04.2023, made in W.P(MD)No.14110 of 2019.

2. The first respondent was appointed as a Secondary Grade Teacher with B.Ed qualification in the second appellant School. At that time, an undertaking was given by the first respondent that, in future, advance increments would not be claimed by her for the additional qualification of B.Ed degree.



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3.Subsequently, after some time, the first respondent also acquired the additional qualification of M.A, after having acquired such a qualification when he made an application to seek an advance incentive increment for the said additional qualification acquired by her, which was not considered on the ground that the first respondent since had given an undertaking not to claim increment for the qualification of B.Ed Degree she has acquired that is apply to the subsequent qualification also.

4.Only at that juncture, the first respondent had approached this Court by filing the said Writ Petition, which was considered and allowed by the learned Judge through the impugned order.

5.Though the learned Additional Government Pleader appearing for the appellants has made some attempt to assail the said order, we are not impressed with the reasoning given by the appellant Department as well as the submissions made by the learned Additional Government Pleader appearing for the appellants.



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6.The reason being that, as per the Government Orders in vogue, the Teacher would be entitled to get atleast two incentive increments for having acquired the higher qualification.

7.In the case in hand, though the teacher has acquired two higher qualifications, namely B.Ed as well as M.A, since the right of claiming the advance incentive increment for the first higher qualification B.Ed had been given up by the first respondent by giving an undertaking even at the time of her appointment, she is not entitled to get such an advance incentive increment for B.Ed degree.

8.Insofar as the second additional qualification ie., M.A degree is concerned, such an undertaking has already been given in respect of B.Ed Degree cannot be put against her and therefore, for that reason, the advance incentive increment sought for by the first respondent cannot be denied.

9.This position has been considered in proper perspective by the writ Court and therefore, the said Writ Petition was allowed. Hence, we do not find any reason to interfere with the same. Accordingly, the Appeal fails



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and it is dismissed. However, there shall be no order as to costs.

Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
05.04.2024

NCC : Yes / No
Index : Yes / No
ps

To

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ps

ORDER MADE IN
W.A(MD)No.610 of 2024

DATED : 05.04.2024