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W.P.No.3750 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2025

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

W.P.No.3750 of 2023

and

W.M.P.No.3827 of 2023

S.Rani

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Block Education Officer-III,
Ulundurpet Taluk,
Kallakurichi.
4. The Assistant Elementary Education Officer,
Assistant Elementary Education Office,
Ulunderpet, Kallakurichi Taluk.
5. The Head Master,
Panchayat Union Middle School,
Ulundurpet, Kallakurichi.

... Respondents



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Writ Petition is filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent in A.Thi.Mu.No.805/A2/2020 dated 15.10.2020 and quash the same and consequently directing the respondents to sanction incentive increment to the petitioner for having acquired qualification of B.Com.,/M.Com., & B.Ed., from the date of acquiring the degree or from the date of appointment whichever is earlier with all consequential benefits.

For Petitioner : Mr.S.Saravanakumar

For Respondents : Mr.T.M.Rajangam
Govt.Advocate

ORDER

This writ petition has been filed challenging the impugned proceedings issued by the fourth respondent dated 15.10.2020 and quash the same and for a consequential direction to the respondents to sanction incentive increment to the petitioner for having acquired qualification of B.Com.,/M.Com., & B.Ed., from the date of acquiring the degree or from



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the date of appointment whichever is earlier with all consequential benefits.

2. It is the case of the petitioner that she joined as Secondary Grade Teacher at Panchayat Union Middle School, Ulundurpet, Villupuram. She was acquired M.Com., degree and B.Ed., degree qualification from Vinayaka Mission University in the year 2012-2014. She made a representation to the fifth respondent school and requested to sanction of incentive increments. On receipt of the same, the fifth respondent submitted on behalf of herself in this regard to the third respondent and the same was returned and rejected by the third respondent vide proceedings dated 15.10.2020 stating that as per proceedings dated 24.08.2016, the higher educational qualification acquired by the petitioner is not coming under the elementary educational curriculum. Hence, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the writ petition has been filed for granting incentive increments for acquiring the higher qualification of M.Com., B.Ed.. In this regard, the



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learned Government Advocate appearing for the respondents placed reliance on the order passed by this Court in W.P.No.19221 of 2021 dated 03.06.2024, wherein, this Court has granted incentive increments only with regard to B.Ed., degree alone and not for M.Com., degree.

4. A counter affidavit filed by the third respondent on behalf of other respondents dated 12.07.2023. The learned Government Advocate appearing for the respondents further submitted that the respondents have preferred writ appeal in W.A.No.3737 of 2024 against the order passed by this Court in W.P.No.19221 of 2021 dated 03.06.2024 and the same was dismissed by the Division Bench of this Court on 03.01.2025.

5. Heard the learned counsel on either side and also perused the materials available on records.

6. In similar matter, similarly placed person approached this Court in W.P.No.19221 of 2021 and this Court, by an order dated 03.06.2024 disposed the same. The relevant portions of the said order reads as under:-



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- "6. Accordingly, the impugned order is partly set aside to the extent of canceling the incentive increment that was awarded in favour of the petitioner through proceedings dated 02.07.2015 in respect of B.Ed., degree only. Accordingly, the third respondent is directed to refix the pay of the petitioner duly continuing the incentive increments that were awarded in favour of the petitioner in respect of B.Ed., degree and issue proceedings afresh as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order. The amount if any liable to be recovered from the petitioner consequent on cancellation of the incentive increments awarded in favour of the petitioner for M.Com., degree is concerned, the said amounts may be recovered from the petitioner.
7. Consequent upon refixation of the pay of the petitioner by continuing the incentive increments in respect of B.Ed., degree, if any arrears are due and payable to the petitioner, the same can be adjusted against the amounts recoverable from the petitioner and the balance if any, shall be paid to the petitioner".

7. In view of the above order passed by his Court, the impugned order passed by the third respondent is hereby partly set aside.

8. The respondents are directed to sanction Incentive Increment to the petitioner for having acquired qualification of B.Ed., only from the



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date of acquiring the said degree or from the date of appointment
whichever is earlier with all consequential benefits within a period of
eight weeks from the date of receipt of a copy of this order.

8. In the result, this writ petition is partly allowed. No costs.

Consequently, connected miscellaneous petition is closed.

24.01.2025

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking : Non-speaking order
kkd

To

1. The Principal Secretary to Government,
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Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of Elementary Education,
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3. The Block Education Officer-III,
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J.SATHYA NARAYANA PRASAD, J.

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