

W.P.No.27833 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

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THE HON'BLE MR. JUSTICE RMT.TEEKAA RAMAN

W.P.No.27833 of 2015

Judgment reserved on 18.02.2025	Judgment pronounced on 18.03.2025
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C.Raghupathy

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Petitioner

Vs

1.The Government of Tamil Nadu,
Rep.by its Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Director of Primary Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The District Elementary Educational Officer,
Vellore.

4.The Additional Elementary Educational Office, ... Anaicut, Vellore.
Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents 1 to 3 to give effect to the recommendations of the 4th respondent dated 09.10.2013 and 07.04.2015 as also directing the respondents to confer the statutory service benefits in the nature of promotion for the post of Middle School Headmaster, Time scale, pay variation and increment for post graduate



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educational qualification and for all consequential service benefits as are applicable to a Middle School.

For Petitioner : Mr.M.R.Jothimanian

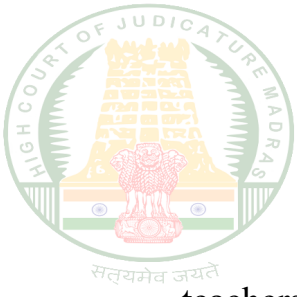
For Respondents : Mr.G.Velu
Addl. Govt. Pleader

ORDER

This writ petition has been filed seeking promotion and consequential variation of pay increment for Post Graduate educational qualification for all other service benefits, as applicable to Middle level school teacher.

2.1 Counter has been filed by the respondents.

2.2 In the counter, it is stated by the respondents that the petitioner is not qualified to be appointed as a Secondary Grade Teacher as he was not having requisite qualification namely Diploma in teachers education with Child Psychology. However, the petitioner possess B.A. B.Ed. qualification. By virtue of G.O.Ms.No.113 Education Department dated 14.03.1997 and G.O.Ms.No.423 dated 03.10.1997, the petitioner was appointed in the post of Secondary grade teacher who was not holding the qualification of Diploma in



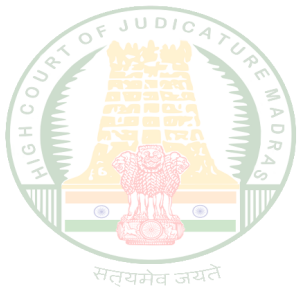
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teachers education with Child Psychology but holding higher qualification namely B.Ed, subject to condition that he has to undergo training on Child Psychology. The petitioner was selected as Secondary Grade Teacher and on completion of Child Psychology training, he was appointed as Secondary Grade Teacher.

2.3 The learned Additional Government Pleader appearing for the respondents would raise objection that the petitioner was appointed as Secondary Grade Teacher only based on his willingness and with a condition that he shall not claim incentive increment for his higher qualification.

3. Admittedly, the post of Secondary Grade Teacher was appointed though persons were not holding the diploma in teachers education which is mandatory qualification for appointment of Secondary Grade Teacher Post by virtue of G.O.Ms.No.113 Education Department dated 14.03.1987 and G.O.Ms.No.423 dated 03.10.1997. Persons who are qualified with B.Ed were also promoted and the petitioner is one such person.

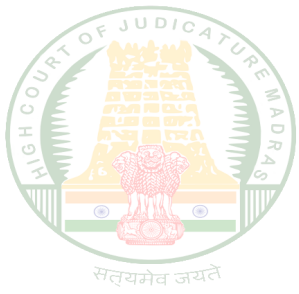


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4. From the typed set of papers, I find that G.O.Ms.No.242 School Education (Va.Se) Department dated 22.09.1997 was issued based upon which persons with B.Ed qualification were appointed to the post which is fixed for diploma in education. By proceedings of the Additional Assistant Primary Elementary School Officer, Anaikattu dated 09.04.2013 whereby the Additional Assistant Elementary School Officer, Anaikattu has granted double incentive since the petitioner has qualified M.A.Tamil on 22.05.2014. Accordingly, the petitioner was given two increments to the extent of $540 \times 2 = \text{Rs.}1080$ and his salary was revised to Rs.18820.

5. After hearing the rival submissions, the learned counsel for the petitioner has confined his relief to the limited extent. This order of double incentive for the qualification of M.A. (Tamil) was not implemented from the date of order, namely 07.04.2015. Similarly placed persons were granted incentive, i.e. in respect of one Paneerselvam, on 31.05.2004, double incentive/increment was granted for his higher education. Hence, I find that there is a discrimination and the same is in violation of Article 14 of the Constitution.

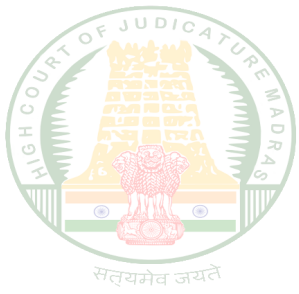


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6. The learned Additional Government Pleader appearing for the respondents would contend that the petitioner cannot claim for higher increment. However, I find that for M.A.(Tamil) or any other qualification, double increment can be granted by virtue of judgment passed by this Court in W.P.No.16967 of 1997 dated 27.11.2002 wherein benefit of G.O.No.423 dated 03.10.1997 which prescribes that increment should be granted only in respect of who have passed B.Ed decree on subject-wise namely Tamil, Mathematics and Science in basic qualification was struck down by this Court. Hence, I find that the contention raised by the learned Additional Government Pleader on this score has no legs to stand.

7. Since the petitioner has already retired from service, in the interest of justice, it is suffice to order that the order of incentive by way of increment granted by the official respondent with effect from 28.04.2017 is set aside and it is hereby ordered to grant incentive from the date of order passed by the Additional Assistant Elementary School Officer, Anaikattu on 07.04.2015.



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8. Accordingly, this Writ Petition stands allowed to the limited

extent indicated above. No costs.

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Index : Yes/No

Speaking/Non-speaking order

To

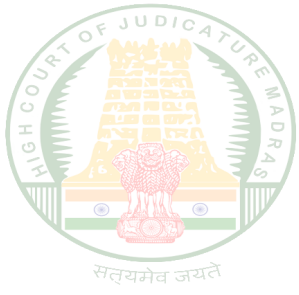
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RMT.TEEKAA RAMAN, J.

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