



W.P.No.25909 of 2022

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-04-2025

CORAM

THE HONOURABLE Mrs. JUSTICE N.MALA

W.P.No.25909 of 2022

K.Suseela

... Petitioner

VS

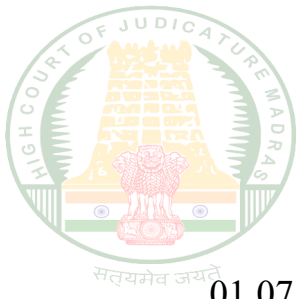
1. The Director,
Directorate of Elementary Education,
DPI Campus,
Chennai-600 006.

2. The District Educational Officer,
Villupuram.

3. Block Educational Officer II,
Thyagaduram Block,
Villupuram District.

..... Respondents

Writ Petitions filed under Article 226 of the Constitution of India
praying this Court to issue Writ of Mandamus directing the respondents
to grant incentive increment for having acquired B.Ed qualification with
effect from 29.12.2013 as per the proceedings of the 3rd respondent dated



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01.07.2014 without reference to the proceedings of the third respondent in Na.Ka.No.900/A1/2018 dated 26.11.2018 as per the order of Hon'ble Court in W.P.No.32919 of 2018 dated 20.03.2019.

For petitioner : Mrs.Dakshayani Reddy, Senior Counsel
For Ms.Pavithra

For respondents : Mr.L.S.M.Hasan Fazil, AGP

ORDER

The petitioner has filed the above writ petition for a Writ of Mandamus directing the respondents to grant incentive increment to the petitioner for having acquired B.Ed qualification with effect from 29.12.2013 as per the proceedings of the 3rd respondent dated 01.07.2014 without reference to the proceedings of the third respondent in Na.Ka.No.900/A1/2018 dated 26.11.2018 as per the order of Hon'ble Court in W.P.No.32919 of 2018 dated 20.03.2019.

2. The petitioner was originally appointed as Secondary Grade Teacher with effect from 07.10.1988 and thereafter, promoted to the post of Primary School Headmistress with effect from 23.06.2003. The petitioner was qualified with B.Litt and based on the said qualification



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along with Diploma in Teacher Education, she was promoted to the post of Middle School Headmistress with effect from 01.06.2010. The petitioner states that after promotion as Middle School Headmistress, she acquired B.Ed qualification in the year 2013. Based on the B.Ed qualification, the petitioner was granted incentive increment, as per G.O.Ms.No.42 Education Department, dated 10.01.1969 read with G.O.Ms.No.107 dated 20.01.1976.

3. According to the petitioner, she was fully qualified for the post of Middle School Headmistress as she possessed Diploma in Teacher Education (Teacher Training Certificate of the Secondary Grade) along with the Bachelor of Literature.

4. The respondents, after granting the petitioner incentive increment, cancelled the same vide proceedings dated 26.11.2018. The petitioner challenged the said proceedings before this Court in W.P.No.32919 of 2018 and the writ petition was disposed of as premature on 20.03.2019, after recording the statement of the respondents that no deductions/recoveries were made from the petitioner.



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5. The petitioner states that despite the undertaking given by the respondents before this Court, the respondents failed to grant incentive increment to the petitioner for acquiring B.Ed degree. Therefore, the petitioner filed the above writ petition for the aforesaid relief.

6. The respondents filed a counter stating, inter alia, that the B.Ed degree acquired by the petitioner in the post of Middle School Headmistress could not be construed as additional qualification, since B.Ed degree was mandatory qualification for appointment to the post of Middle School Headmistress. Hence, the petitioner was not entitled to the incentive increment. The respondents stated that the Government took a policy decision to cancel the incentive increment for acquiring higher educational qualification and consequently issued G.O.Ms.No.37 Personnel and Administrative Reforms Department dated 10.03.2020, cancelling all the previous Government Orders sanctioning incentive increments for acquiring higher educational qualification. The respondents also stated that there were no specific orders for sanction of incentive increment for B.Ed degree acquired while holding the post of Middle School Headmaster/ Headmistress. The respondents further stated



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that the Government already issued clarification in Lr.No.3702 EE (2) 2017 dated 10.10.2017, to the effect that if, the Middle School Headmasters acquired B.Ed degree after their promotion to the post of Middle School Headmasters, they would not be entitled to claim incentive increment. The respondents therefore stated that there was no illegality or irregularity in the order passed by the third respondent cancelling the incentive increment granted to the petitioner and therefore, writ petition deserved to be dismissed.

7. Learned counsel for the petitioner relied on the judgments of the Division Bench of this Court in W.A. (MD) No.1429 of 2022 dated 24.01.2024 and W.A(MD)No.435 of 2017 dated 25.04.2017 and submitted that the petitioner was entitled to incentive increment for acquiring higher qualification and the denial of the same by the respondents was illegal.

8. Learned counsel for the respondent reiterated the contentions raised in the counter and submitted that possession of B.Ed degree could not be construed as higher qualification, because the same was mandatory qualification for appointment as School Headmistress.



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Learned counsel for the respondents submitted that the judgments relied on by the learned counsel for the petitioner were not applicable to the facts of the petitioner's case.

9. Heard both the learned counsels and perused the records.

10. It is undisputed that the petitioner was appointed as Middle School Headmistress, on the basis of the qualification of B.Litt and Diploma in Teacher Education (Teacher Training Certificate of Secondary Grade). The petitioner was also granted incentive increment for having acquired the additional qualification of B.Ed. While so, the respondents, by proceedings dated 26.11.2018, cancelled the incentive increment. Challenging the same, the petitioner filed writ petition in W.P.No.32919 of 2018 and after recording the statement of the respondents, that no deductions/recoveries were made from the petitioner, the writ petition was disposed of, as premature on 20.03.2019. After disposal of the said writ petition, the petitioner was not paid the incentive increment and therefore, the petitioner filed the present writ petition.



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11. The issue as to whether the possession of B.Ed degree qualification in the post of Middle School Headmistress was an additional qualification or not, in my view, is no longer res integra. The Division Bench of this Court in ***W.A(MD)No.1429 of 2022 dated 24.01.2024***, following the earlier judgment of the Division Bench of this Court W.A.(MD)No.435 of 2017 dated 25.04.2017, held as follows:-

“ 3. In the aforesaid clarification dated 07.06.1991, issued by the Director of Elementary Education, the Director of Elementary Education had clarified that when the Middle School Headmaster acquires a higher qualification of B.Ed., he would be entitled for grant of incentive increment in view of the Government Orders in G.O.No.42, Education Department, dated 10.01.1969, G.O.No.107, Education Department, dated 20.01.1976, as well as several orders granting incentive increment to similarly placed Headmasters. The learned Single Judge had also placed reliance on the decisions in W.P.(MD) No.21368 of 2014 and 4332 of 2015, in which it was held that the Middle School Headmistress



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would be entitled for incentive increment for having acquired B.Ed., degree, in view of the subsequent proceedings of the Joint Director of Elementary Education, dated 07.11.2014.

4. The aforesaid decisions are not the only case, in which incentive increments have been awarded to the Middle School Headmasters for having acquired B.Ed., degree. In the case of **R.Jeeva and another Vs. The District Elementary Education Officer, Karur**, passed in **W.P.(MD)Nos.16574 and 16576 of 2019, dated 04.12.2019**, one of us (MSRJ) had relied upon an order of the Division Bench of this Court in **W.A.(MD)No.435 of 2107**, which inter alia placed reliance on the clarification of the Director of Elementary Education, dated 24.11.2006, wherein it was clarified that since B.Lit., degree is also one of the qualification for promotion to the post of Middle School Headmaster and B.Ed., degree is not an essential qualification, such a Headmaster would be entitled for incentive increment for acquiring B.Ed., degree. On the basis of this decision, the



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*two Middle School Headmistress were awarded
with incentive increment”*

12. Learned Additional Government Pleader appearing for the respondents submitted that subsequently, the Division Bench of this Court in W.A(MD)Nos.2124 of 2023 etc., batch, dated 20.12.2023, held that incentive increment for acquiring higher qualification was not permissible as B.Ed degree, could not be construed as higher qualification.

13. In view of the conflicting decisions, a learned Judge of this Court in W.P Nos.27261 of 2019 etc., batch, by order dated 05.04.2024, directed the Registry to place the matter before the Hon'ble Chief Justice for constituting a larger Bench to deal with the matter.

14. Learned Additional Government Pleader appearing for the respondents submitted that since the matter was referred to a larger Bench, the hearing of the present writ petition should be deferred till the matter is decided finally by the larger Bench.

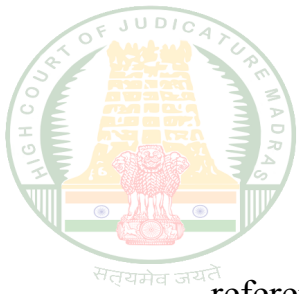


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15. I am unable to endorse the contentions of the learned Additional Government Pleader appearing for the respondents. It is seen that, in the judgment of the Division Bench of this Court in W.A.(MD)Nos.2124 of 2023 etc., batch, dated 20.12.2023, the earlier judgment of the Division Bench of this Court in W.A.(MD)No.435 of 2017 dated 25.04.2017, was not even referred, but in W.A.(MD)No. 1429 of 2017 dated 24.01.2024 the said judgment of the Division Bench of this Court was followed and it was held that the possession of B.Ed degree was a higher qualification and so incentive increment was payable. As the latest judgment in W.A(MD)No. 1429 of 2022 dated 24.01.2024, was rendered following the earlier Division Bench judgment in W.A.No. 435 of 2017 dated 25.04.2017, I am inclined to follow the later judgment.

16. For all the above reasons, the writ petition is allowed and a direction is issued to the respondents to grant incentive increment to the petitioner for having acquired B.Ed degree, with effect from 29.12.2013, as per the proceedings of the third respondent dated 01.07.2014, without



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reference to the proceedings of the third respondent, dated 26.11.2018
within a period of eight weeks from the date of receipt of a copy of this
order. No costs.

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sr
Index:yes/no
website:yes/no



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To

1. The Director,
Directorate of Elementary Education,
DPI Campus,
Chennai-600 006.
2. The District Educational Officer,
Villupuram.
3. Block Educational Officer II,
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N.MALA.J.,

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