



W.P.No.25916 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.25916 of 2022

C.Thenmozhi

... Petitioner

VS

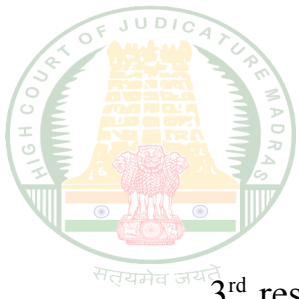
1. The Director,
Directorate of Elementary Education,
DPI Campus,
Chennai-600 006.

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 petitioner incentive increment for having acquired B.Ed
qualification with effect from 01.06.2012 as per the proceedings of the



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3rd respondent dated 19.04.2013 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.32921 of 2018 dated 20.03.2019.

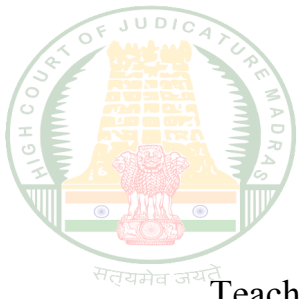
For petitioner : Mrs.Dakshayani Reddy
Senior Counsel
For Ms.Suneetha

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

ORDER

The petitioner has filed the above writ petition seeking to issue Writ of Mandamus directing the respondents to grant incentive increment to the petitioner for having acquired B.Ed qualification with effect from 01.06.2012 as per the proceedings of the 3rd respondent dated 19.04.2013 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.32921 of 2018 dated 20.03.2019.

2. The petitioner was originally appointed as Secondary Grade



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Teacher with effect from 20.12.1989 and thereafter, promoted to the post of Primary School Headmistress with effect from 20.05.2008. The petitioner was qualified with B.Litt and based on the said qualification along with Diploma in Teacher Education, she was promoted to the post of Middle School Headmistress with effect from 20.05.2008. The petitioner states that after being promoted to the post of Middle School Headmistress, she acquired B.Ed qualification in the year 2012. Based on the B.Ed qualification, the petitioner was granted with 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 with the 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



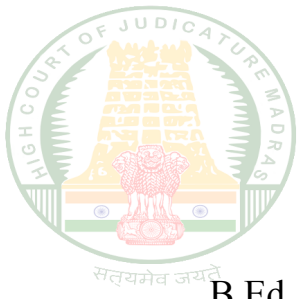
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petitioner challenged the said proceedings before this Court in W.P.No.32921 of 2018 and the writ petition was disposed of as premature on 20.03.2019, after recording the statement of the respondents that no deductions/recoveries have been made from the petitioner.

5. The petitioner states that despite the undertaking given by the respondents before this Court, the respondents did not grant incentive increment to the petitioner for acquiring B.Ed degree, but they are still implementing the order dated 26.11.2018. Therefore, the petitioner has filed the above writ petition seeking to issue a writ of Mandamus directing the respondents to grant incentive increment to the petitioner for having acquired B.Ed qualification with effect from 01.06.2012 as per the proceedings of the 3rd respondent dated 19.04.2013.

6. The respondents have filed counter stating inter alia that B.Ed degree has been acquired by the petitioner in the post of Middle School Headmistress and it cannot be construed as additional qualification since



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B.Ed degree was mandatory qualification for appointment of Middle School Headmistress and therefore, the petitioner is not entitled to the incentive increment. The respondents have stated that the Government have taken policy decision to cancel the incentive increment for 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 for sanction of incentive increments for acquiring higher educational qualification. The respondents have also stated that there is no specific orders for the sanction of incentive increment for B.Ed degree acquired while holding the post of Middle School Headmaster/ Headmistress. The respondents further stated that the Government have already issued clarification in Lr.No.3702 EE (2) 2017 dated 10.10.2017 to the effect that if the Middle School Headmasters acquire B.Ed degree after their promotion to the post of Middle School Headmasters, they cannot claim incentive increment and therefore, the respondents state that there is no illegality or irregularity in the order passed by the third respondent cancelling the incentive increment granted to the petitioner and the writ petition



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deserves to be dismissed.

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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 is entitled to incentive increment for acquiring higher qualification and the denial of the same by the respondents is illegal.

8. Learned counsel for the respondents reiterates the contentions raised in the counter and submitted that acquiescence of B.Ed degree could not be construed as higher qualification because the same was mandatory qualification for appointment of School Headmistress along with a bachelor degree. Learned counsel for the respondents would submit that the judgments relied on by the learned counsel for the petitioner are not applicable to the facts of this case.

9. I have heard the submissions made by the learned counsels on



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either side and have perused the records.

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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 an additional qualification of B.Ed. While so, the respondents, by proceedings dated 26.11.2018 cancelled the incentive increment. Challenging the same, the petitioner had filed writ petition in W.P.No.32921 of 2018 and after recording the statement of the respondents that no deductions/recoveries have been 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.

11. The issue as to whether the acquiescence of B.Ed degree qualification in the post of Middle School Headmistress was an



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additional qualification or not, 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 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.

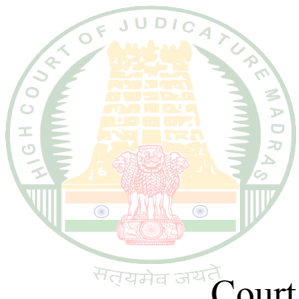


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4. *The aforesaid decisions are not the only case, in which incentive increments have been awarded to the Middle School Headmasters for having acquired B.Ed., degree. In the case of **R.Jeeva and another Vs. The District Elementary Education Officer, 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 two Middle School Headmistress were awarded with incentive increment”*

12. In view of the above judgment of the Division Bench of this



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Court, I am of the view that the said judgment squarely applies to the facts of the present case and therefore, incentive increment should be granted to the petitioner.

13. Learned Additional Government Pleader appearing for the respondents submits 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 is not permissible as B.Ed degree could not be construed as higher qualification.

14. In view of the conflicting decision, the learned Judge of this Court in W.P Nos.27261 of 2019 etc., batch, by order dated 05.04.2024, held that “*this Court is of the considered opinion that the authoritative pronouncement by a larger Bench is required to answer the issue involved in this matter*” and therefore, directed the Registry to place the matter before the Hon'ble Chief Justice for constituting a larger Bench to deal with the matter.



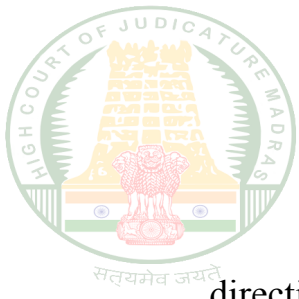
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15. Learned Additional Government Pleader appearing for the respondents submitted that since the matter is referred to a larger Bench, the present writ petition could not be heard till the matter is decided finally by the larger Bench.

16. I am not able to accept the contentions of the learned Additional Government Pleader appearing for the respondents. 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 judgment of the earlier Division Bench of this Court in W.A.(MD)No.435 of 2017 dated 25.04.2017 was not referred to and W.A.(MD)No.435 of 2017 dated 25.04.2017 was referred in the judgment of the Division Bench of this Court in W.A.(MD)No.1429 of 2022 dated 24.01.2024 and the Division Bench held that the acquiescence of B.Ed degree is a higher qualification. Therefore, I am of the considered view, that the petitioner is entitled for incentive increment.

17. For all the above reasons, the writ petition is allowed and a



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direction is issued to the respondents to grant incentive increment to the petitioner for having acquired B.Ed degree with effect from 01.06.2012 as per the proceedings of the third respondent dated 19.04.2013 without 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.

03.04.2025

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sr
Index:no
website:yes

To

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

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N.MALA.J.,

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