



WEB COPY



WA No. 3322 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11-11-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE HEMANT CHANDANGOUDAR

WA No. 3322 of 2025

M. Jerin

D/o. P. Michael, Saminathapuram Main road,
Arisipalayam, Salem.

..Appellant

Vs

1.The District Educational Officer

O/o. The District Educational officers Office,
Namakkal Dt 637 501.

2.The Block Education Officer

O/o. Block Education Officers Office,
Mallasamuthram Union, Salem District.

3.The Correspondent

St. Marys R.C. Primary School, Senbagamadevi,
Mallasamudram, Salem District 637 501.

..Respondents

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 12.1.2024 passed in WP.No. 838/2024.

For Appellant : Mr.K.Anbarasan

For Respondents : Mr.S.Yashwanth
Additional Government Pleader



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Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by Writ Court dated 12.01.2024 made in W.P.No.838 of 2024.

2. The appellant was the writ petitioner, who initially joined as Secondary Grade Teacher in the year 2015 and was subsequently promoted as Headmaster. During her tenure, she had acquired higher qualifications like B.Sc (Mathematics), M.Sc (Mathematics) and B.Ed Degree through distance education. All these higher qualifications have been entered into the Service Register of the appellant.

3. As per the procedure that was in vogue, those who acquired higher qualification was entitled to advance incentive increment and therefore the appellant was also eligible for the same. Therefore, she approached the respondents seeking for advance increment for having acquired higher qualification, which since did not evoke any response, the appellant approached this Court by filing the a writ petition in W.P.No.24362 of 2023. The learned Writ Court disposed of the writ petition by order dated 13.01.2023 with a direction to the respondents to consider the request of the petitioner and to pass orders thereon. Pursuant to the said order passed by this Court, the respondents having considered the plea raised by the petitioner, rejected the same by order dated 04.12.2023, which was impugned before the writ Court.



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4. The learned Judge who disposed the said writ petition through the impugned order has stated that, the Government has issued G.O.Ms.No.37, Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2023, thereby cancelling the scheme of sanction of advanced increments in all departments, the Government Servants who have acquired higher qualification prior to the issuance of such Government Order would be entitled to seek for such a sanction and further the learned Writ Court has held that as the petitioner has acquired higher qualification without the prior permission of the Department, he is not entitled to get any such advance incentive increment for having acquired the higher qualification and on that ground, the rejection order passed by the Department dated 04.12.2023 was upheld by dismissing the said writ petition through the impugned order.

5. We have heard Mr.K.Anbarasan, learned counsel for the appellant and Mr.S.Yashwanth, learned Additional Government Pleader for the respondents.

6. Learned Additional Government Pleader has brought to our notice that, subsequently the entire scheme itself has been modified by issuance of G.O.Ms.No.95 dated 26.10.2023, Human Resources Management (FR-IV) Department by which the advance incentive increment for employees who have acquired higher qualification has been done away with and instead, one time lump sum payment has been mooted.



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7. The relevant portion of the aforesaid Government Order reads thus,

" 8. The Government, therefore, directs that the Government Servants, who acquire additional educational qualifications including those who have already submitted applications seeking incentive therefor, shall henceforth be granted only with one-time lumpsum as ordered in the Government order third read above, and the following guidelines are issued:-

(1) The incentive will not be available for the qualifications which are laid down as essential or desirable qualifications in the recruitment rules for the post.

(ii) No incentive shall be allowed for acquiring higher qualification purely on academic or literary subjects. The acquisition of the qualification should be directly related to the functions of the post held by him/her, or to the functions to be performed in the next higher post. There should be direct nexus between the functions of the post and the qualification acquired and that it should contribute to the efficiency of the government servant.

(iii) The quantum of incentive will be uniform for all posts, irrespective of their classification or grade or the Department.

(iv) The incentive shall not be admissible where the Government servant is sponsored by the Government or he/she avails study leave for acquiring the qualification.



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(v) *The incentive would be given only for higher qualification acquired after Induction into service.*

(vi) *No Incentive would be admissible if an appointment is made in relaxation of the educational qualification. No incentive would be admissible if employee acquires the requisite qualification for such appointment at a later date.*

(vii) *The qualifications meriting grant of incentive should be recognized by University Grants Commission, respective regulatory bodies like All India Council for Technical Education (AICTE) etc. set-up by Central/State Government or recognized by the Government.*

(viii) *The incentive shall be limited to maximum two times in an employee's career, with a minimum gap of two years between successive grants.*

(ix) *The Government servant should prefer the claim within six months from the date of acquisition of the higher qualification in respect of future claims.*

(x) *The claims already rejected by the Departments concerned are not eligible for grant of lumpsum amount.*

(xi) *The lumpsum amount shall be granted only for those who have acquired higher qualification and not sanctioned with advance increment till date.*

(xii) *The Administrative Departments, shall issue orders separately in this regard, after examining the existing qualifications prescribed in the Service Rules, the duties, roles and responsibilities of the relevant posts, additional educational qualifications required*



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for performing the relevant duties, the ways in which the higher educational qualifications for the said posts would be beneficial to the development activities of the Department and to the Government by and large and then issue orders in consultation with the Human Resources Management and Finance Departments.”

8. By relying upon this Government Order, the learned Additional Government Pleader would submit that, if at all the appellant / petitioner is entitled to get any such increment pursuant to the above Government Order, it is for her to agitate such issue by making a representation to the respondents and that, in case such a representation is made, that would be considered strictly in accordance with the above Government Order. Therefore, the plea of the appellant / petitioner for having acquired higher qualification, as projected before the Writ Court cannot be considered and therefore to that extent the order passed by the Writ Court was justifiable and can be sustained.

9. We have considered the submissions made by both sides and have perused the materials placed on record.

10. As has been pointed out by the learned Additional Government Pleader since the Government has come forward with G.O.Ms.No.95 dated 26.10.2023 by which the scheme of advance incentive increment has been done away with and instead a lump sum payment has been provided, the petitioner may be entitled to



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get such lumpsum payment for acquiring higher qualification. Therefore, to that extent the plea of the petitioner can be considered by the department only strictly in accordance within the scope of G.O.Ms.No.95 dated 26.10.2023.

11. In that view of the matter, this writ appeal is disposed of with the following directions.

- (a)The appellant / petitioner shall submit a fresh representation to the respondent department seeking advance incentive increment for acquiring higher qualification.
- (b)On receipt of such representation, the respondents shall consider the request of the petitioner in accordance with G.O.Ms.No.95, Human Resources (FR-IV) Department dated 26.10.2023 within two months from the date of receipt of such representation.
- (c)The impugned order passed by the learned Writ Court dated 12.01.2024 in W.P.No.838 of 2024 is modified to the above extent and the said order shall not stand in the way to consider the case of the appellant / petitioner for granting one-time lumpsum amount as per G.O.Ms.No.95 dated 26.10.2023, as directed above.

12. With the above modification to the impugned order, this writ appeal is disposed of. No costs.

(R.S.K.,J.) (H.C.,J.)
11-11-2025

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



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To

- 1.The District Educational Officer
O/o. The District Educational officers Office,
Namakkal Dt 637 501.
- 2.The Block Education Officer
O/o. Block Education Officers Office,
Mallasamuthram Union, Salem District.



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