

W.A.No.3481 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 27.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN**

**W.A.No.3481 of 2024
and
C.M.P.No.27110 of 2024**

1. The State of Tamil Nadu,
Represented 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 Chief Educational Officer,
Chengalpattu District,
Chengalpattu.
4. The District Educational Officer,
Maduranthakam Educational District,
Chengalpattu District.
5. The Block Development Officer,
Achirapakkam Union,
Chengalpattu District.

... Appellants

-Vs-

G.Govindan,



W.A.No.3481 of 2024

S/o.Ganesan,
Headmaster,
Panchayat Union Primary School,
Vinayaganallur,
Achirapakkam Union,
Chengalpattu District.

... Respondent

PRAYER : Appeal filed under Clause 15 of Letters Patent, to set aside the order in W.P.No.4181 of 2020 dated 02.07.2024 and allow the above writ appeal.

For Appellants : Mr.U.M.Ravichandran
Special Government Pleader

For Respondent : Mr.P.Murali

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order passed by the writ Court dated 02.07.2024 in W.P.No.4181 of 2020.

2. The respondent / writ petitioner initially appointed as a Secondary Grade Teacher, after having joined as Secondary Grade Teacher, while he was working, he acquired additional qualification of B.Com / M.Com as well as B.Ed degree.

3. After acquiring these additional qualifications, the respondent / writ



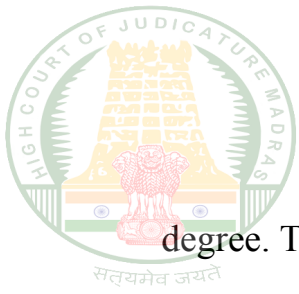
W.A.No.3481 of 2024

petitioner has sought for advance incentive increment for having acquired the higher qualification or additional qualification.

4. The said request of the respondent / writ petitioner having been considered was rejected by the appellant Department, challenging the same, the writ petition has been filed.

5. The learned Judge who heard the matter has followed the earlier decision made in W.P.No.19221 of 2021 where the Court found that, insofar as acquiring the degree called B.Com / M.com are concerned, such an advance incentive increment cannot be granted as there has been no provision available to grant such an increment.

6. However, insofar as acquiring B.Ed qualification is concerned, such a degree acquired as an additional qualification or higher qualification can be considered for sanctioning of advance incentive increment, therefore, the learned Judge allowed the writ petition in part by giving a direction to the appellant Department to consider the request of the writ petitioner to grant of advance incentive increment for having acquired B.Ed degree, but confirmed the denial of such advance increment for having acquired B.Com / M.com



W.A.No.3481 of 2024

degree. This is the order passed by the writ court, which is impugned herein.

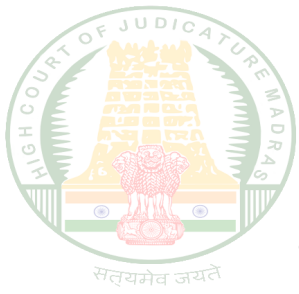
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7. Heard Mr.U.M.Ravichandran, learned Special Government Pleader appearing for the appellants. Though he has made an attempt to seek interference of this Court with regard to the direction given by the learned Judge for consideration of sanctioning of advance incentive increment for having acquiring B.Ed degree, we are not impressed with the same.

8. The reason being that, in a similar facts, yet another writ appeal in ***W.A.3737 of 2024*** came up for consideration before us and we having considered the same passed an order on 03.01.2025 in the matter of ***The Chief Educational Officer & others Vs. M.Menaka Madhavan.***

9. In the said judgment of ***Menaka Madhavan's case***, we have passed the following orders:

"4. The learned Writ Court, having considered the Rule position and the relevant Government Orders, namely, G.O.Ms.No.42, Education Department dated 10.01.1969 as well as G.O.Ms.No.134, School Education (G2) Department dated 15.06.2007, has come to the conclusion that insofar as the higher qualification of M.Com. Degree acquired by the respondent/writ petitioner even prior to her appointment as



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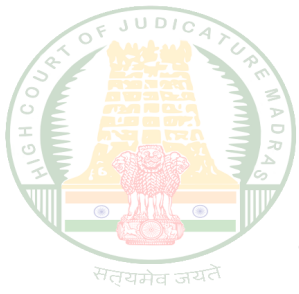


W.A.No.3481 of 2024

a Secondary Grade Teacher is concerned, the same cannot be treated as a higher qualification, as merely because B.Com. or M.Com. Degree or a relevant qualification to hold the post of B.T. Assistant in Commerce cannot ipso facto confer any right upon the Teacher who acquired M.Com. Degree and it cannot be therefore treated as a higher qualification for the purpose of sanctioning advance incentive increment.

5. Therefore, the learned Single Judge upheld the impugned order before the Writ Court passed by the appellant Department insofar as canceling the advance incentive increment sanctioned already in favour of the respondent/writ petitioner for having acquired the qualification of M.Com Degree, but, at the same time, the learned Writ Court, having considered the Government Orders which were in vogue, set aside the order dated 19.08.2021 in part, whereby, the withdrawal of the advance incentive increment sanctioned in favour of the respondent/writ petitioner for having acquired the higher qualification of B.Ed. Degree was set aside and therefore, to that extent, the writ petition was partly allowed through the impugned order.

6. An attempt has been made by the learned Government Advocate appearing for the appellants to assail the order passed by the Writ Court by merely stating that the B.Ed. Degree also is not a higher qualification. Therefore, for having acquired such B.Ed. Degree qualification, the



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W.A.No.3481 of 2024

advance incentive increment sanctioned earlier in the year 2015 ought to have been withdrawn. Therefore, on that ground, the withdrawal order, which was impugned before the Writ Court, in toto, ought to have been upheld by the learned Single Judge he contended.

7. The said submission does not have any force for the simple reason that the B.Ed. Degree acquired is certainly a higher qualification insofar as a Secondary Grade Teacher is concerned, because the qualification to hold the post of Secondary Grade Teacher is Secondary Grade Teacher Training alone. When that being so, for very long years, the practice of sanctioning advance incentive increment for having acquired the qualification of B.Ed. Degree, which has been in vogue, cannot be put against the respondent/writ petitioner by revoking the benefit already conferred on her.

8. Therefore, we do not find any reason to interfere with the order impugned herein. Resultantly, the appeal fails and deserves to be dismissed. Accordingly, the writ appeal stands dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.29492 of 2024 is closed."

10. Exactly the similar facts are situated in the present case also, therefore, the judgement that we have passed in ***Menaka Madhavan's case***, would squarely apply to the present facts of the case also. Hence, a direction



W.A.No.3481 of 2024

issued by the learned Judge with regard to B.Ed qualification is concerned, for

sanctioning of the advance incentive increment, has to be sustained.

11. In that view of the matter, there is no need for any interference of the impugned order, hence, this Writ Appeal fails and accordingly, it is dismissed. For compliance of the orders of the writ Court, two months time is granted. Till such time, no coercive steps shall be taken by the respondent / writ petitioner. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
27.01.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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W.A.No.3481 of 2024

R.SURESH KUMAR, J.
and
C.SARAVANAN, J.

vji

W.A.No.3481 of 2024
and
C.M.P.No.27110 of 2024

27.01.2025