

WP(MD). No.711 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

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K.Kamalakannan

... Petitioner

versus

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Thanjavur District.
4. The District Educational Officer,
Kumbakonam Educational District,
Kumbakonam,
Thanjavur District.
5. The Headmaster,
SKSDS Higher Secondary School,
Sannathi Street,
Thiruppanandal 612 504,
Thanjavur District.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 5th respondent School in No.Nil dated Nil and to quash the same and consequently, direct the respondents to sanction the second set of incentive increment to the petitioner from the date of acquisition of higher qualification of Ph.D., as permitted as per G.O.Ms.No.1024, Education, Science and Technology Department dated 09.12.1993 and G.O.Ms.No.1170 Education, Science and Technology Department dated 20.12.1993 with all consequential and other attendant benefits.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner was appointed as P.G.Assistant (Chemistry) in the 5th Respondent School, a Government Aided School, in the year 2015. At the time of appointment, he was qualified with M.Sc. and M.Phil degree. Therefore, he was provided with one incentive increment for his M.Phil degree. Thereafter, he has completed Ph.D. degree in the subject of Chemistry in the year 2017. Therefore, he made a request for providing second increment for Ph.D. degree and the same was rejected by the 5th respondent. Aggrieved over the same, the petitioner has filed



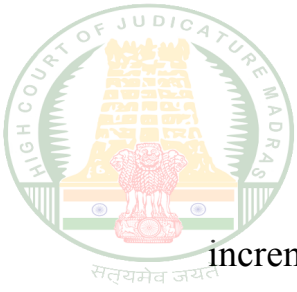
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this writ petition.

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2. The learned counsel appearing for the petitioner submits that P.G.Assistant is entitled for two incentive increments. M.Phil and Ph.D. degrees are considered to be the qualifications for providing incentive increments. The Government has considered the case of the petitioner and provided one incentive increment for M.Phil degree. However, the additional qualification of Ph.D. degree obtained by the petitioner was not considered for providing second incentive increment.

3. The learned Government Advocate submits that the petitioner, at the time of appointment, had a qualification of M.Sc. B.Ed. and M.Phil. After joining the school, he pursued Ph.D. degree. In the event, if the petitioner has acquired higher qualification of M.Ed., then, he would have been considered for first incentive increment. But, the petitioner has pursued M.Phil degree, for which, he was provided with one incentive increment. He further submits that the second set of incentive increment can be provided either for M.Phil or Ph.D. or P.G.D.T.E. Since the petitioner was already provided with one incentive



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increment for M.Phil degree, he is not entitled for the second incentive increment for Ph.D. degree which falls under the same category.

4. The learned counsel appearing for the petitioner submits that the qualification of M.Ed., M.Phil and Ph.D. degrees cannot be grouped as criteria for one incentive increment.

5. This Court considered the rival submissions made.

6. The basic qualification for PG Assistant is M.Sc. with B.Ed. The petitioner was appointed as P.G.Assistant with the qualification of M.Sc. B.Ed and M.Phil and thereafter, he pursued Ph.D. Degree. M.Ed. degree is, infact, considered to be the qualification for one incentive increment. But, the petitioner has not pursued M.Ed. Degree, instead, he pursued M.Phil degree, for which, he was provided with one incentive increment.

7. The second incentive increment is provided either for M.Phil or Ph.D. or P.G.D.T.E. Since the petitioner was already granted with one incentive increment for M.Phil. degree, the claim of the petitioner for



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second incentive increment for Ph.D. degree cannot be considered.

Further, the Government has taken a policy decision that there cannot be any incentive increment from March 2020. Therefore, this Court is not inclined to entertain this writ petition.

8. Accordingly, this writ petition is dismissed. No costs.

27.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / NO.

To

1. The Joint Director of Medical and
Rural Health Services and
Family Welfare,
Virudhunagar,
Virudhunagar District.

2. The Chief Civil Surgeon,
Medical Officer,
Government Hospital,
Aruppukottai,
Virudhunagar District.



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