



W.A(MD)Nos.190 & 598 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)Nos.190 & 598 of 2023
and
C.M.P(MD)Nos.2474 & 5602 of 2023**

W.A(MD)No.190 of 2023:

- 1.The State represented by
The Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai – 9.
- 2.The Director of Elementary Education,
DPI Campus, Chennai – 6.
- 3.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The Assistant Elementary Educational Officer,
Pappakudi,
Tirunelveli District.

... Appellants /
Respondents 1 to 4

Vs.

1.R.S.Devakirubai Rajamani

... 1st Respondent /
Writ Petitioner



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2.The Head Master,
Hindu Middle School,
Pappakudi,
Tirunelveli District.

... 2nd Respondent /
5th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the judgment dated 14.11.2022 in W.P(MD)No.15471 of 2017 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : M/s.T.A.Ebenezer for R.1

W.A(MD)No.598 of 2023:

R.S.Devakirubai Rajamani

... Appellant /
Petitioner

Vs.

- 1.The State represented by
The Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai – 9.
- 2.The Director of Elementary Education,
DPI Campus,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.



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4. The Assistant Elementary Educational Officer,
Pappakudi, Tirunelveli District.

5. The Head Master,
Hindu Middle School,
Pappakudi,
Tirunelveli District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 14.11.2022 in W.P(MD)No.15471 of 2017 on the file of this Court by allowing this Appeal.

For Appellant : M/s.T.A.Ebenezer

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

The State has filed W.A(MD)No.190 of 2023 challenging the order dated 14.11.2022 made in W.P(MD)No.15471 of 2017 filed by the first respondent (in W.A(MD)No.190 of 2023) herein. The first respondent / R.S.Devakirubai Rajamani (in W.A(MD)No.190 of 2023) was appointed as full-time vocational craft (sewing) teacher in Hindu Middle School, Pappakudi and his appointment was approved on 29.08.1997. He obtained B.Lit in the year 1996 and passed M.A degree in the year 1999. He also obtained B.Ed degree in 2013. He sought two incentive increment for having passed M.A and also B.Ed.



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Originally he was granted both the incentive increments. Subsequently, audit objection was raised and it was held that a vocational instructor is entitled to only one incentive increment. Thereupon, recovery order was passed on 27.07.2017 by the Assistant Elementary Educational Officer, Pappakudi. Challenging the same, W.P(MD)No.15471 of 2017 came to be filed. The learned single Judge partly allowed the Writ Petition on 14.11.2022 in the following terms:

“7. The Government Order states that, if the teacher is qualified M.A., Decree, they are entitled for one incentive increment only. As per G.O.Ms.No.1032, Education Department, dated 22.03.1971 and the relevant portion is extracted hereunder:

(v) The following clarifications are issued regarding advance increments to secondary grade teachers.

1. A Secondary Grade Teacher (or other specialist teacher) will not get any financial benefit if he passes only B.A or B.Sc. He will get advance increments after passing B.A or B.Sc., he passes B.T. also

2. A Secondary Grade Teacher who first passes B.T and gets two advance increments, but who also still continues to work in a secondary grade post and who passes M.A., or M.Sc., will get two more advance increments.



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3. A Secondary Grade Teacher who first passes M.A., or M.Sc., without first passing B.T. need not be granted any advance increments at one stroke.

(vi) Four advance increments can be given at the same time B.T., Assistants who possess M.A (or M.Sc.,) and M.Ed.

Under clause (1) of G.O.Ms.No.1032 specifically states that the secondary grade teacher or other specialist teacher, the petitioner comes under “other specialist teacher”, will be eligible incentive increment if he passes B.T. after passing B.A. and B.Sc. Moreover, it has not included the qualification of “B.Ed.”. Since the G.O. has not included B.Ed. the petitioner is not entitled to B.Ed.

8. The G.O.Ms.No.107 Education Department, dated 20.01.1978 was issued and the relevant portion is extracted hereunder:

2. The present position regarding increments to Tamil Pundits (with reference to G.O.Ms.No.42 Education Dated 10.01.1969 and para 4 of G.O.Ms.No.1032 Education Dated 22.06.1971) is as follows.

(i) B.A. and B.O.Ls. can be appointed as Grade I Tamil Pandits only if they have passed B.T. Hence no incentive increment admissible to them for passing B.T. But they can get two incentive increments for passing M.A and two more for passing M.Ed.



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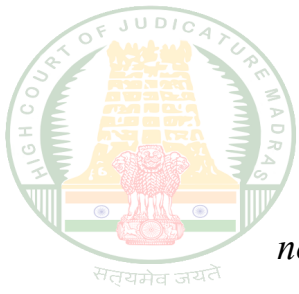
(ii) Pulavars and vidwans can be appointed as

Grade I Tamil Pandits even if they do not have B.T., but have only Pandits Training or Secondary Grade Training and completed S.S.L.C. For appointment as Pandits Grade II also a B.T is not necessary. For these categories incentive increments are admissible only passing B.T. But not passing M.A., or M.Ed.

3. In Modification of para 2(ii) above, the Government now issue revised orders to following effect.

Tamil Pandits Grade I, who do not have to possess B.T., for initial appointment Grade II Tamil Pandits may be allowed two incentive advance increments either B.T. or for M.A. Advance increments may be allowed a second time for such a teacher who after passing B.T. possess M.A., or after passing M.A. passes B.T. Advance increments shall not be allowed to them for passing M.Ed.

Under clause 3 of G.O.Ms.No.107 it specifically states that Tamil Pandits (secondary grade teachers, specialist teachers come under this category) may be allowed two incentive increments either for B.T. or M.A. and not for both. For second increment, a teacher who after passing B.T. possess M.A., or after passing M.A. passes B.T. However, the advance increments shall not be allowed to them for passing M.Ed. Therefore, the petitioner is either entitled to M.A. or B.Ed. and not entitled to both. Since the incentive increment is granted to M.A., the petitioner is not entitled to B.Ed. as per G.O. Ms. No. 107. Moreover this G.O. only speaks of B.T. qualification and



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not B.Ed. qualification and on this point also the petitioner is not entitled to. On combined reading of the G.O. and the said communication this Court is of the considered opinion for the reasons stated above the petitioner is entitled to only one incentive increment either for B.Ed. or for M.A. and not for both.

9. Therefore, the petitioner is not entitled to incentive increment for B.Ed. If the teacher is qualified B.Ed., along with M.A., Decree, they would be entitled for incentive increment for M.A., Decree alone. Even from this proposition also, the petitioner is not entitled incentive increment for B.Ed., Decree. Therefore, the impugned order is modified.

10. Accordingly, this Writ Petition is partly allowed. The respondents are directed to grant one incentive increment for M.A., Decree alone, within a period of six weeks, from the date of receipt of the copy of the order. No costs. Consequently, connected miscellaneous petitions are closed.”

Challenging the same, the State has filed this Writ Appeal.

2. According to the learned Special Government Pleader appearing for the State, a vocational instructor is definitely entitled to one incentive increment but the said increment is granted only for obtaining B.Ed degree and not for M.A degree.



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3.Per contra, the learned counsel appearing for the writ petitioner who has filed Writ Appeal against the disallowed portion submitted that the writ petitioner was rightly given double incentive increment and that interference with the said order is not warranted. He called upon this Court to allow the teacher's Appeal and dismiss the State Appeal.

4.We carefully considered the rival contentions and went through the materials on record.

5.Aggrieved by the order of the learned single Judge, both the writ petitioner as well as the State has filed these Appeals. The only question that calls for consideration is whether the writ petitioner has to be given incentive increment for B.Ed degree or for M.A degree or for both. In our view, this issue does not pose any difficulty at all. Only vide G.O(Ms)No.42 Education Department dated 10.01.1969, the Education Department proposed to give advance incentive increment for teachers acquiring higher qualifications. The annexure to the said GO reads as follows:

ANNEXURE

A teacher belonging to the category mentioned in column (1) of the Table below shall be eligible for the two advance increments to the scale of pay admissible for this category if he / she possesses or acquires higher

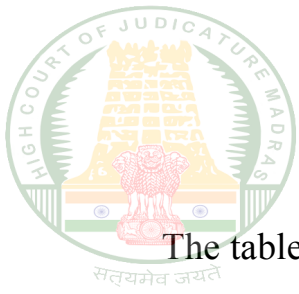


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qualification specified in column 2 provided the maximum of the scale of

pay is not reached.

	Category (1)	Scale of pay (2)	Higher Qualification for which two advance increments are admissible (3)
1	Secondary or Senior Basic Grade Teachers	90-4-110-3-140	B.T. Or B.Ed., degree of a University of the State or the degrees of other Universities recognized as equivalent to the degree or B.Ed., degree of Universities of this State
2	B.T. B.Ed., Assts	Rs.140-5-180-10-250 Rs.225-10-275-350	M.A or M.Sc., M.Ed., degree of a University of the State or the degree of other Universities recognized as equivalent to M.A. / M.Sc., of M.Ed degree Universities of this State
3	Headmasters of Government Board Schools and Municipal Township Schools	Rs.225-10-275-15-350	-do-
4	Headmasters of Aided High Schools	Rs.225-15-275 Rs.300-15-430	-do-
5	Pandits I Gr	Rs.140-250- or Lower Scale	B.T. or B.Ed., degree of University in this State or degree of other Universities recognized as equivalent to B.T. or B.Ed., degree of Universities in this State.
6	Pandits II Gr	Rs.90-4-110-3-140	-do-
7	Physical Training instructors I Gr.	-do-	B.T. or B.Ed., degree of University in this State or degree of other Universities recognized as equivalent to B.T. or B.Ed., degree of Universities in this State or Diploma in Physical Education.
8	Other Specialist Teachers	-do-	B.T. or B.Ed., or other recognized equivalent degrees in this State

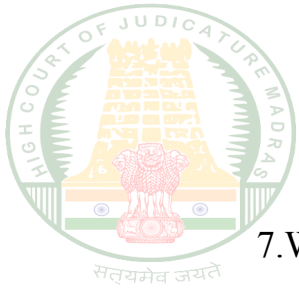


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The table extracted above contains 8 categories of teachers. The writ petitioner

admittedly falls under the 8th category “Specialist Teachers”. In the said column it has been categorically mentioned that incentive increment can be given to specialist teachers if they acquire BT or B.Ed or recognized equivalent degrees in the State of Tamil Nadu. In Serial No.8, M.A degree has not been mentioned as a higher qualification for which incentive can be given. We therefore hold that the learned single Judge erred in holding that the writ petitioner is entitled to incentive increment for acquiring M.A degree.

6.In this view of the matter, the order impugned in this Writ Appeal is set aside. The writ petitioner is entitled to incentive increment with effect from the date when he acquired B.Ed degree. Since the writ petitioner cannot be said to be guilty of misrepresentation, for the mistake committed by the department, the writ petitioner cannot be penalized. The incentive increment was sanctioned and the money has also been disbursed. It would cause enormous hardship to the writ petitioner if recovery is permitted. The writ petitioner belongs to “C” category post only. Therefore, we set aside the order directing recovery alone. Refixation of the writ petitioner's pay may be accordingly done.



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7.W.A(MD)No.190 of 2023 is partly allowed and W.A(MD)No.598 of
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Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
16.06.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

- 1.The Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai – 9.
- 2.The Director of Elementary Education,
DPI Campus,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
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G.R.SWAMINATHAN, J

and

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