



W.P.(MD)No.4608 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : **10.03.2025**

Ordered on : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4608 of 2025
and WMP(MD)Nos.3302 and 4629 of 2025

A.Jacqueline Mary

... Petitioner

Vs.

1.The District Educational Officer,
Thanjavur,
Thanjavur District.

2.The Block Educational Officer,
Thanjavur Block,
Thanjavu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari calling for the records relating to the impugned order passed by the 2nd respondent by his proceedings in Na.Ka.No. 1257/A3/2024 dated 28.01.2025 and quash the same.

For Petitioner : Mr.G.Karnan

For Respondents : Mr.T.Amjad Khan
Government Advocate



W.P.(MD)No.4608 of 2025

ORDER

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This Writ Petition has been filed to quash the impugned order passed by the second respondent by his proceedings in Na.Ka.No. 1257/A3/2024 dated 28.01.2025.

2. Heard both sides and perused the materials available on record.

3. The petitioner has been working as Headmistress in Panchayat Union Primary School, Karungulam with effect from 18.06.2018. She has completed M.Com and B.Ed degrees before joining as Teacher at Panchayat Union Middle School at Orathanadu. Accordingly, she had received incentive increment and salary from the year 1997 to till date. On 30.04.2024, the second respondent issued a show cause notice to the petitioner proposing to cancellation of incentive increment granted from the year 1997. On receipt of the same, the petitioner submitted explanation to the second respondent on 07.05.2024 stating that incentive increment granted to her only basing on the eligibility criteria according to the relevant Government Orders. But without considering the explanation properly, the second respondent passed the impugned order in Na.Ka.No.1257/A3/2024 dated 28.01.2025 to revise the salary, wherein the



W.P.(MD)No.4608 of 2025

incentive increment granted to the petitioner have been cancelled. It is also stated in the said order that separate orders will be issued regarding the payment of excess amount to the petitioner. Aggrieved by the said order, the present writ petition is filed.

4. The learned counsel for the petitioner would submit that the impugned order passed by the second respondent is in total non-application of mind. The petitioner received increment from the year 1997 on the basis of acquiring educational qualification of M.Com and B.Ed and the respondents erroneously passed the impugned order by following the subsequent proceedings, which have no retrospective effect. The learned counsel contends that the impugned order is erroneous and liable to be set aside.

5. A counter affidavit has been filed by the respondents. The relevant paragraphs of the counter affidavit are extracted herein under for proper adjudication of the case:

“11. I submit that there is no provision in the Government order No. 42 Education Department dated 10.1.1969, G.O.Ms.No.1023, Education science & Technology Department dated sanction of incentive increments for acquiring M.Com degree while working as Secondary Grade Teacher. The M.Com Subject is not 09.12.1993 for the taught at Elementary level



W.P.(MD)No.4608 of 2025

from classes 1 to 5. It clearly shows that the knowledge in M.Com degree is not applied for teaching at elementary level. Since the M.Com subject is not part of the curriculum at the elementary level classes from 1 to 5, it is evident that the expertise gained from the M.Com degree is not utilized in teaching at this Elementary level.

12. I submit that the petitioner 12. in G.O. 624 Education (E2) Department Dated 13.07.1992 states as follows:

"(i) Sanction of incentive increments to a teacher for acquiring higher qualification in a particular subject shall be subject to the condition that the teacher will also be required to teach that additional subject based upon needs. This would be in addition to the subject the teacher used to teach...."

...iii) In respect of teachers enrolling during 1992-93 and after, sanction of increments shall be restricted to developing areas of study and subjects where teacher shortage has been identified. The Director of School Education will identify the subjects for purposes of incentive increment in which teachers will be encouraged to qualify in consultation with the Government in all future case. The intention is to encourage the teachers to get higher qualification in those specially selected subjects."

13. I submit that G.O Ms. No. 324 Education, Science and Technology Department (E2) Dated 25.04.1995 is meant only for High and Higher secondary school teachers. It is not applicable for Elementary school secondary grade teachers.

6. Basing on the averments of the counter affidavit, Mr.T.Amjad Khan, learned Government Advocate contends that basing on the audit objections



W.P.(MD)No.4608 of 2025

raised by the Financial Advisor and the Chief Accounts Officer as detailed in

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letter in R.C.No.053130/2023 dated 29.02.2024, an opportunity to submit explanation is provided to the petitioner by issuing show cause notice dated 30.04.2024 and after considering the explanation of the petitioner only, the impugned order is passed by following the principles of natural justice.

7. The learned Government Advocate further contends that the Commerce subject is generally taught only in 10th and 12th grades. Therefore, the petitioner will not apply her knowledge by acquiring M.Com degree to teach the subjects in Classes 1 to 5 and by granting incentive increments for this purpose a substantial amount is being expended unnecessarily due to a misunderstanding or misinterpretation of the true purpose of incentive increments. The learned Government Advocate further submits that this writ petition is devoid of any merits and sought to dismissed the same.

8. The admitted facts in this case are that the petitioner was appointed as Secondary Grade Teacher in the year 1997 at Panchayat Union Middle School, Orathanadu. As per the appointment of the petitioner, before joining as Teacher, the petitioner had completed M.Com and B.Ed degrees. Accordingly, she had



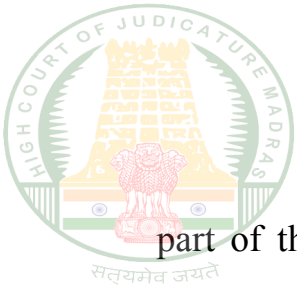
W.P.(MD)No.4608 of 2025

received incentive increments and salary from the year 1997 onwards. As per

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the audit objections, the second respondent issued a show cause notice to the petitioner with respect to cancellation of incentive increment granted to the petitioner and after considering the explanation of the petitioner, the impugned order is passed to cancel the incentive increment.

9. Admittedly, the Director of Elementary Education had issued guidelines in proceedings in R.C.No.17731/E1/2015 dated 24.08.2016 stating that the higher qualification in the subject of Commerce, Economics, Maths and Computer Science are not eligible for incentive increments. In the present case, the petitioner has acquired B.Com, B.Ed., and M.Com degrees even before joining as Teacher. Undoubtedly a Teacher is entitled for two incentive increments in his/her entire career as per the policy of the Government to encourage the teachers to acquire more and more educational qualifications. If a Teacher acquires more and more educational qualifications, definitely it would be beneficial for the students studying in the schools and colleges. But the higher educational qualification of a Teacher should be useful to teach the subject to the students for their benefit. Admittedly, Commerce subject is not taught at elementary level from Classes 1 to 5. Since Commerce subject is not



W.P.(MD)No.4608 of 2025

part of the curriculum from elementary classes 1 to 5, expertise gained from acquiring M.Com degree by the petitioner is not useful in teaching at elementary level. Granting incentive increment for acquiring unconnected subjects would definitely be a burden to the State exchequer.

10. For the reasons stated above, in the considered opinion of this Court, there is no illegality or infirmity in passing the impugned order by the respondents and the petitioner failed to make out a case warranting interference of this Court. As such, this writ petition is liable to be dismissed.

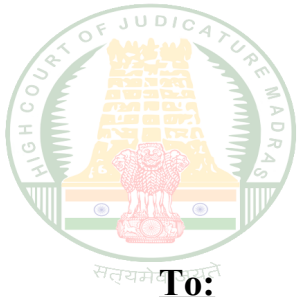
11. Accordingly, this writ petition is dismissed.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



W.P.(MD)No.4608 of 2025

To:
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1.The District Educational Officer,
Thanjavur,
Thanjavur District.

2.The Block Educational Officer,
Thanjavur Block,
Thanjavu.



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W.P.(MD)No.4608 of 2025

BATTU DEVANAND, J.

CM

Pre-delivery order made in
W.P.(MD)No.4608 of 2025
and WMP(MD)Nos.3302 and 4629 of 2025

08.04.2025