



WP(MD)No.6402 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.6402 of 2021
and
WMP(MD)No.5002 of 2021**

K.M.Mahalakshmi

... Petitioner

Vs

1.Directorate of Elementary Educational Officer,
Directorate of Elementary Educational Office,
Chennai – 600 006.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Madurai District – 625 002.

3.The District Educational Officer,
District Educational Office,
Thirumangalam,
Madurai District.

4.Block Educational Officer -1,
Block Educational Office,
Kalligudi,
Thirumangalam,
Madurai District – 625 701.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining the proceedings in A.Thi.Mu.No.490 /A1/2020 signed on 05.11.2020 on the file of the 4th respondent and quash the same as illegal, unjust, unconstitutional and without jurisdiction consequently to direct the respondents to pay the arrears of incentive increment amount with interest at rate of 12% per annum to the petitioner accord with all other benefits.

For Petitioner : Mr.S.A.Ajmalkhan
For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

The petitioner was appointed as a Secondary Grade Teacher in the year 2005. Subsequently she has studied BEd degree in the year 2010-2011. She claimed incentive increment for BEd qualification and it was sanctioned. Simultaneously she has studied MSc.Mathematics in the year 2011-2013 and she has claimed incentive increment for his MSc qualification. It has been rejected by the respondents. Challenging the same the petitioner is before this Court.



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2.The learned Counsel for petitioner submits that the petitioner is entitled for incentive increment for her higher qualification of MSc.Mathematics per G.O.Ms.No.116 dated 15.10.2020, Personnel and Administrative Reforms (FR-IV) Department, dated 15.10.2020. However the respondents have rejected her claim. The petitioner has already completed MSc degree in the year 2016 itself. She claims that as a Secondary Grade Teacher, she is eligible for two advance incentive increments.

3.The learned Special Government Pleader appearing for the respondent submits that though a Secondary Grade Teacher is entitled for two advance increments, the petitioner has completed simultaneous dual degrees, which is not permissible as per the dictum laid down by the Hon'ble Full Bench of this Court in ***R.Chitra v. Member Secretary, Government of Tamil Nadu***, reported in ***2021 3 CTC 846***. Following the same this Court in WP(MD)No.12357 of 2020 etc batch, has passed a similar order. The petitioner has completed BEd degree in the year 2010-2011 and simultaneously she has studied Msc.Mathematics in the year 2011-2013. She has been awarded with incentive increment for the



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BEd degree. Therefore, the petitioner is not entitled for the incentive increment for MSc. Mathematics

4.This Court considered the rival submissions made and perused the materials placed on record.

5.The petitioner is a Secondary Grade Teacher. She claims incentive increment for the qualification of MSc Mathematics, which she studied in the year 2011-2013. It reported that the petitioner has also studied BEd degree during calender year 2010-2011. Therefore, during the year 2011 she was studying two degrees, which is not permissible as rightly pointed by the respondents. This Court in WP(MD)No.12357 of 2020 etc batch has already taken a decision following the judgment of the Hon'ble Full Bench in Chitra's case cited supra as follows:

“19.Very recently, a Full Bench of this Court in R.Chitra's case (referred supra), has considered this issue and has held that dual degree obtained simultaneously in the same academic year is not valid unless and until, the University Grants Commission recognizes such degree



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courses and the employer has the right to reject the same.

Therefore, this issue is no more res integra and the petitioners are not entitled for any incentives for the simultaneous degrees obtained by them in the same year.”

6.In view of the above, this Court is not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

21.01.2025

DSK

To

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B.PUGALENDHI.J.,

DSK

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