



W.P(MD)No.6427 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.6427 of 2021

Maheswari.T

... Petitioner

Vs

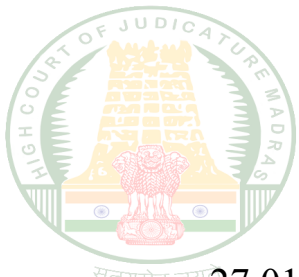
1.The Director of School Education,
College Road, Chennai 6.

2.The Chief Educational Officer,
Virudhunagar.

3.The Block Educational Officer,
Virudhunagar.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the 3rd respondent in Mu.Mu.No. 203/A3/2021 dated 02.03.2021 and quash the same and directing the 1st and 2nd respondents to award incentive increment to the petitioner for acquiring higher studies of M.Phil with effect from



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27.01.2016 as per G.O.Ms.No.116 dated 15.10.2020 and proceedings of the 1st respondent dated 21.10.2020, based upon the representation of the petitioner dated 27.10.2020.

For Petitioner : Mr.K.K.Kannan
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner was appointed as a Secondary Grade Teacher on 12.06.1991 and she was promoted as B.T.Assistant(Tamil) on 19.12.2007. She had obtained M.Phil degree in the year 2007 from Vinayaga Mission Research Foundation, Salem, through Distance Education. Therefore, she has applied for incentive increment on 27.10.2020, for the additional qualification acquired by her and the same was rejected by the Block Educational Officer, Virudhunagar, vide proceedings inr Mu.Mu.No. 203/A3/2021, dated 02.03.2021 and the same is under challenge in this writ petition.



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2.The learned counsel appearing for the petitioner submits that the Chief Educational officer is the competent authority to decide on the claim of the petitioner on merits. However, in her case, the Block Educational Officer, Virudhunagar has rejected the claim of the petitioner, dated 27.10.2020. The learned counsel further submits that the request of this petitioner for incentive increment has been rejected on the ground that M.Phil., degree obtained by the petitioner was not issued by a recognized University and according to the learned counsel, this issue has already been settled by this Court in WP(MD) No.28755 of 2017, dated 30.11.2017. Therefore, the petitioner is entitled for incentive increment for her M.Phil., degree.

3.The learned Additional Government Pleader appearing for the respondents submits that the Government has taken a policy decision that there cannot be any incentive increment after 10.03.2020, vide G.O.Ms.No.37, Personnel and Administration Reforms (FR IV), Department, dated 10.03.2020. He further submits



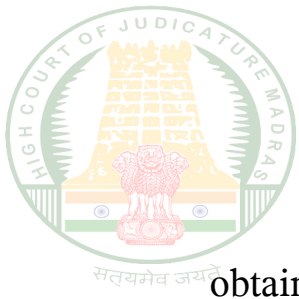
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that though the petitioner is said to have completed M.Phil., degree in year 2007, she has made the request for incentive increment only on 27.10.2020, i.e after the issuance/implementation of the aforesaid Government order. The learned Additional Government Pleader by relying upon the order of this Court in WP(MD) No.14073 of 2020, dated 15.11.2021 submits that this Court has rejected the claim of the similarly placed persons that the teachers, who have obtained M.Phil., degree through distance education is not entitled for incentive increment. As such, the petitioner is also not entitled for incentive increment as per G.O.Ms.No.37, Personnel and Administration Reforms (FR IV), Department, dated 10.03.2020 and therefore, this writ petition is liable to be dismissed.

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

5.The petitioner, a BT Assistant (Tamil) has submitted a representation on 27.10.2020 for incentive increment that she has



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obtained M.Phil., degree in the year 2007 from Vinayaga Mission Research Foundation, Salem, through Distance Education and it was rejected by the Block Educational Officer, Virudhunagar. On the side of the respondents, it is stated that the Government has taken a policy decision vide G.O.Ms.No.37, Personnel and Administration Reforms (FR IV), Department, dated 10.03.2020 that there cannot be any incentive increment after 10.03.2020. It is also brought to the notice of this Court that in earlier occasion, this Court has decided the similar issue in WP(MD) No.14073 of 2020, dated 15.11.2021 and it is relevant to extract the order passed by this Court, which is as under:-

5. The learned Government Advocate appearing for the respondents submits that the petitioner is stated to have secured M.Phil degree in the month of January 2009. The Government of Tamil Nadu, on 29.08.2006, had prohibited the Universities from offering M.Phil courses through Distance Education from the Academic Year 2007-08. However, the petitioner has not challenged the decision of the Government of Tamil Nadu dated 29.08.2006. He further submits that the grant of



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incentive increment is a concession granted to the teaching staff in the Department of School Education and in order to encourage the morale of the teachers, incentive increments are being granted for acquisition of higher educational qualifications. Thus, the said concession is not a part and parcel of the regular scale of pay and pay rules. Grant of incentive increment is only applicable to the teaching staff of the Education Department and the same has not been granted to the staff working in all other departments in the State Government. Such being the special nature of concession provided especially to encourage the teachers to acquire the higher qualification, the same is to be regulated strictly in accordance with the terms and conditions of the orders in force.

9. The Government of Tamil Nadu, vide its G.O.(Ms).No. 91, Higher Education (K2) Department, dated 03.04.2009, has taken a decision that M.Phil/Ph.D., courses should not be offered through distance education from the Academic Year 2007-2008 and they should be offered only in the regular stream. The Government has also declared that M.Phil and Ph.D. degrees obtained through correspondence/distance



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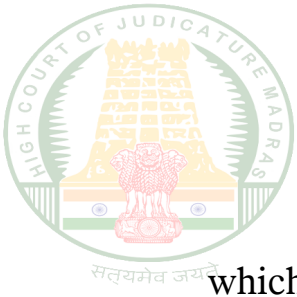


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education/open university system are ineligible for government appointment as Lectures in Colleges/Universities, including Finance Colleges. Even before this Government Order, a decision was also taken by the Government in the Vice Chancellors' Meeting and necessary instructions were issued to all the Universities under agies of Higher Education Department that M.Phil/Ph.D courses should not be offered through distance education from the Academic Year 2007-2008 and they should be offered only in the regular stream.

10. Further, similar writ petitions in W.P.Nos.42675 to 42687 and 42689 of 2016, were also dismissed by the Principal Seat of this Court, by holding that the writ petitioners are not entitled for any incentive increment for M.Phil degree obtained from the Vinayaka Mission University.”

6.Since the Government has already taken a policy decision vide G.O.Ms.No.37, Personnel and Administration Reforms (FR IV), Department, dated 10.03.2020, that there cannot any incentive increment after 10.03.2020, considering the manner in



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which the petitioner has made a request on 27.10.2020, after the decision taken by the Government on 10.03.2020 and also this Court has decided the similar issue in WP(MD) No.14073 of 2020, this Court is not inclined to grant any relief to this petitioner.

7. Accordingly, this petition is dismissed. No costs.
Consequently, connected Miscellaneous Petition is closed.

27.01.2025

NCC:Yes/No
Index:Yes
vrn

To

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- 2.The Chief Educational Officer,
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B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.6427 of 2021
WMP(MD) No.21339 of 2019

27.01.2025