



WP(MD)No.7129 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.7129 of 2021
and
WMP(MD)No.5448 of 2021**

G.Vijayakumar

... Petitioner

Vs

**1.The District Educational Officer,
Thiruvattar,
Kanyakumari District.**

**2.The Correspondent,
Higher Secondary School,
Arunmanai – 629 151,
Kanyakumari District.**

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order issued by the 1st respondent herein in Na.Ka.No.6018/A2/2020 dated Nil, 01.2021 (signed on 08.02.2021) quash the same and further direct the 1st respondent herein to approve and disburse incentive increments to the petitioner from the date of appointment for acquiring higher qualification of M.A.Degree.



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For Petitioner : Mr.E.V.N.Siva

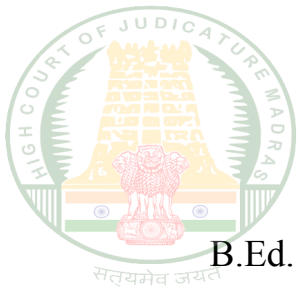
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner was appointed as a secondary grade teacher on 03.06.1993 in the 2nd respondent school. The petitioner was having qualification of M.A and B.Ed. Therefore, this writ petitioner has made a request for incentive increment for his higher qualification of M.A and the same was rejected by the respondents based on the conditions imposed at the time of appointment. Challenging the same, this writ petition is filed.

2.The learned Counsel for the petitioner submits that the government is providing incentive increment for qualification of M.A to all other teachers. However it has been rejected to the petitioner alone.

3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner was appointed as a secondary grade teacher in the year 1993. He was having qualification of M.A and



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B.Ed. The petitioner was not having qualification of Diploma in Teachers Education, which is the qualification for secondary grade teacher. However he was appointed as Secondary Grade Teacher on the following conditions:

“1.Non availability of secondary grade teachers certificate should be obtained from the employment exchange

2.The incumbent will be paid the scales of pay admissible to the Secondary Grade Teacher and no other concession will be available.

3.No incentive increment for higher educational qualification will be admissible.

4.The incumbent cannot claim promotion as B.Ed Teacher directly or on special case.”

The petitioner has agreed for the above conditions and having agreed for the conditions, he cannot claim incentive increment for his higher qualification.

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



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5. Admittedly at the time of appointment as a Secondary Grade Teacher itself the petitioner was having qualification of MA., BE.d, however she did not possess the qualification for being appointed as a Secondary Grade Teacher, which is Diploma in Teachers Education. However he was appointed as a Secondary Grade Teacher on certain conditions. One among the conditions is that no incentive increment for higher educational qualification will be paid. The petitioner has accepted the appointment by agreeing to the conditions. Therefore, the petitioner cannot claim incentive increment for his higher qualification.

6. Accordingly, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

21.01.2025

DSK

To

1. The District Educational Officer,
Thiruvattar,
Kanyakumari District.

2. The Correspondent,
Higher Secondary School,
Arunmanai – 629 151,
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B.PUGALENDHI.J.,

DSK

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