



WP(MD)No.10347of 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.10347 of 2021

T.Sheeba

... Petitioner

Vs

**1.The Chief Educational Officer,
Kanyakumari District at Nagercoil.**

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

**3.The Correspondent,
St.Marys Higher Secondary School,
Melpalai, Kanyakumari District.**

...Respondents

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 on the file of the 2nd respondent pertaining to its order bearing Oo.Mu.No.5854/A2/2020, dated 08.03.2021 and consequently direct the respondents to sanction and disburse the incentive increment for processing M.Phil degree by considering the application submitted by the petitioner dated 15.03.2021 within a time frame that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.G.V.Vairam Santhosh,

Additional Government Pleader



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ORDER

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The petitioner was appointed as a B.T.Assistant in the 3rd respondent School on 01.06.2015. At the time of his appointment she was qualified with MSc., B.Ed. Thereafter he has acquired MPhil degree in the year 2019. She has applied for incentive increment for the MPhil degree and the same was rejected by the respondents that the petitioner has not obtained prior permission from the department to pursue MPhil degree and the advance increment for acquiring higher qualification has been stopped from the year 2020. As against the same this writ petition has been filed.

2.The learned Counsel for the petitioner submits that even before this government order in G.O.Ms.No.37, Personal and Administrative Reforms (FR-IV) Department dated 10.03.2020, the petitioner has completed this degree and therefore this petitioner is entitled for incentive increment. The learned Counsel has also relied on clause 6 of paragraph 6 of the said government order.



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3.The learned Additional Government Pleader submits that this petitioner has acquired higher qualification for MPhil degree through correspondence course and that too without prior permission. The MPhil degree through correspondence course is not valid from the year 2007. Apart from that the petitioner has not obtained prior permission as required under G.O.Ms.No.37 cited above. He has also relied on the orders of this Court in WA(MD)No.1763 of 2022.

4.This Court considered the rival submissions made.

5.The petitioner BT. Assisant claims incentive increment for the higher qualification of M.Phil degree, which was obtained without prior permission and through correspondence Course.

6.The government has taken a policy decision in G.O.Ms.No.37 Personnel and Administrative Reforms (FR-IV) Department dated 10.03.2020 as under:

“VI.The case of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined



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separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance department. If no previous orders were issued by any of the department concerned, they they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degrees acquired.

VII. No fresh / further proposals will be entertained by Personnel and Administrative Reforms Department on this issue in future.”

7.The Division Bench of this Court in WA(MD)No.1763 of 2022 has held as under:

“8. The Clause 2 of GO Ms. No.37, Personnel and Administrative Reforms dated 10.03.2020 clearly states that if no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degree. In the present case, the first respondent herein has acquired M.Phil Degree in the year 2006 but did not obtain prior approval from the Department. In such circumstances, the first respondent had approached the Department



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seeking to grant advance increment for acquiring higher qualification of M.Phil Degree on 27.02.2021, pursuant to the said Government Order. The Chief Educational Officer / second respondent had rejected the proposal in the light of the aforesaid Government Order.”

8.In view of the aforesaid decision of the Division Bench, this writ petition is dismissed.

21.01.2025

DSK

To

- 1.The Chief Educational Officer,
Kanyakumari District at Nagercoil.
- 2.The District Educational Officer,
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- 3.The Correspondent,
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