

W.A.(MD)No.1148 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 29.04.2025

PRONOUNED ON : 24.06.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)No.1148 of 2025
and
C.M.P.(MD)No.7209 of 2025**

P.Nalluchamy

... Appellant

Vs.

1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai-9.

2.The Director of School Education,
DPI Compound, College Road,
Chennai-600 006.

3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul District.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.4726 of 2021, dated 19.12.2024.

For Appellant
For R1

:Mr.M.Jerin Mathew
:Mr.J.Ashok
Additional Government Pleader



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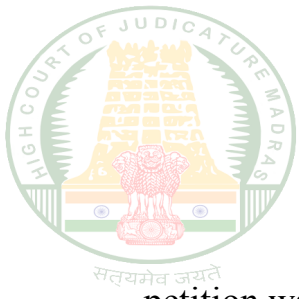
JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed by the State against the order dated 19.12.2024 passed in W.P.(MD)No.4726 of 2021.

2. The writ petition was filed for issuance of a Writ of Certiorarified Mandamus to quash the impugned order dated 29.01.2021, passed by the 3rd respondent and consequently, to forbear the 3rd respondent from recovering incentive increment granted to the petitioner in the light of the judgment in W.P. (MD)No.21368 of 2014, dated 05.04.2017 and W.A.(MD)No.938 of 2018, dated 13.07.2018 and W.A.(MD)No.658 of 2019, dated 01.07.2019.

3. The brief facts are that the petitioner is a Middle School Headmaster. Initially, he was appointed as Secondary Grade Teacher and subsequently he acquired the qualification of B.Lit. Therefore, he was promoted as Middle School Headmaster. The petitioner acquired an additional qualification of B.Ed. Based on the B.Ed., qualification, he was provided with an incentive increment and subsequently, the same was cancelled and recovery was ordered. Hence, the writ



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petition was filed.

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4. The contention of the petitioner is that similar issue was considered and incentive increment was granted to additional qualification of B.Ed. But the contention of the learned Additional Government Pleader is that there are other similar orders wherein the incentive increment has been declined on the ground that acquiring B.Ed., degree after promotion is not eligible for incentive increment, since B.Ed. degree is one of qualification for the post of Middle School Headmaster.

5. The Writ Court after considering the rival submissions has relied on the order passed by the Division Bench in W.A.No.499 of 2024 and W.A.(MD)No.334 and 358 of 2021. In the said Division Bench order, the following orders were passed:

“11.Perusal of the Special Rules clearly reveal that for being promoted as Headmistress of a Middle School (B.Ed., grade), a Secondary Grade Teacher should either possess B.T., or B.Ed., or degree in Tamil of any University. Therefore, it is clear that B.Lit., degree (Tamil) is enough to be promoted as Headmistress of a Middle School (B.Ed., grade). It is further clear that it is equivalent to B.T/B.Ed., degree. In the present case, admittedly on the strength of



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B.Lit., degree the petitioners have been promoted as Headmistresses of Middle School.

12.As per G.O.Ms.No.42, Education Department dated 10.01.1969, one incentive increment has to be awarded to the Teachers, who acquired higher educational qualification. Unless the qualification acquired by a Teacher is higher than the minimum qualification required for a particular post, incentive increment cannot be granted. In the present case, B.Lit., which is equivalent to B.Ed., is one of the minimum required educational qualification for being promoted as Headmistress of a middle school. Therefore, the petitioners are not entitled to seek incentive increment for acquiring B.Ed., degree, which is not only an additional qualification but also equivalent to B.Lit., degree. Only if the petitioners acquire a P.G. Degree, the same can be considered to be a higher qualification.

13.The writ Court had relied upon the judgment of the Division Bench of this Court in W.A.(MD)No.435 of 2017 dated 25.04.2017, wherein, the Division Bench had relied upon a reply given under the Right To Information Act to arrive at a finding that incentive increment can be granted for acquiring B.Ed., degree by the Teachers, those who have already acquired B.Lit., degree. Perusal of the Tamil portion extracted in the writ order reveals that under RTI reply, the Official had stated that since promotion could be granted to a Secondary Grade Teacher based upon B.Lit., degree, the acquisition of B.Ed., degree is not necessary and if acquired, it can be considered to be a higher qualification.

14.The said RTI reply of the concerned official is quite contrary to the Special Rules, which clearly indicates that B.T., B.Ed.,



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and B.Lit., degrees are equivalent educational qualifications and possession any of them is the basic qualification required for being promoted and appointed as Headmistress of a Middle School.

15. Therefore, with due respect to the Hon'ble Division Bench, we are not concurring with the said views. The writ Court had solely relied upon the said Division Bench judgment to allow the said writ petitions, which we find to be not in consonance with the statutory Service Rules.

16. In view of the above said deliberations, the order of the writ Court is set aside and the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

6. The Writ Court is right in declining the incentive increment. When a person is eligible for promotion to the post of Middle School Headmaster, based on B.T., or B.Ed., or B.Lit., degrees, and obtained promotion as Middle School Headmaster, then after promotion, the B.Ed., qualification cannot be considered as higher qualification.

7. In the present case, the writ petitioner has acquired B.Lit., qualification and based on the B.Lit., the petitioner was granted promotion as Middle School Headmaster. After promotion, the petitioner has acquired B.Ed., qualification. Therefore, the same cannot be considered as higher qualification. In other words, B.T., B.Ed., and B.Lit., are considered as equal. Based on any one



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of the qualifications, a person is entitled to promotion. When all the three degrees of B.T., B.Ed., and B.Lit. are considered equal, then acquiring any one degree cannot be considered as higher qualification. Therefore, after completing B.Lit., if a person acquired B.Ed., the same cannot be considered as higher qualification.

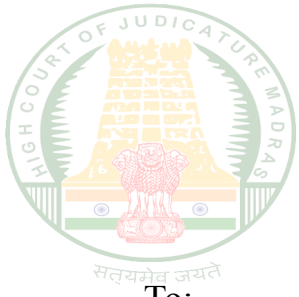
8. Further, incentive increment is only a token to encourage the teachers to acquire higher qualification and the same is based on certain conditions. If any person is not coming within the said conditions, the same cannot be granted. However, it is seen that the petitioner was receiving incentive increment for the past five years. The contention of the petitioner is if the same is recovered, it would cause financial distress to him. Therefore, the respondents shall not recover already paid amount, but the respondents shall refix the salary without the incentive increment.

9. Therefore, there is no merit in the writ appeal. Hence, the writ appeal is dismissed with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
24.06.2025

Index : Yes / No

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