



W.A.(MD)No.169 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.169 of 2021

and

C.M.P(MD)No.534 of 2021

1.The District Elementary Educational Officer,
R.M.S.Road,
Madurai District,
Madurai – 625 001.

2.The Assistant Elementary Educational Officer,
Madurai North Range,
No.1, Kamala Nagar,
Thallakulam,
Madurai – 625 002.

... Appellants /
Respondents

Vs.

1.M.Jannthul Johara

... 1st Respondent /
Writ Petitioner

2.The Secretary,
Alagu Sundaram Middle School,
Madurai – 625 016.

... 2nd Respondent /
3rd Respondent



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 24.02.2020 passed in W.P(MD)No.8122 of 2011 on the file of this Court.

For Appellants : Mr.T.Amjad Khan
Government Advocate

For Respondents : Mr.K.Muraleedharan
for R.1

Mr.P.R.Prithiviraj for R.2

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The Department of Elementary Education has filed this writ appeal questioning the order dated 24.02.2020 passed by the learned single Judge allowing W.P(MD)No.8122 of 2011 filed by the first respondent herein.

2.The first respondent herein joined the second respondent school as secondary grade teacher in the year 1998. Her services were regularised only in the year 2009. When the first respondent herein joined service, she was possessing B.Lit (Tamil) degree. She later acquired M.A degree in the year 1999. The first respondent herein sought conferment of incentive increment. Her request was rejected by



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the Assistant Elementary Education Officer, Madurai North Range vide order dated 20.04.2011. Challenging the same, W.P(MD)No.8122 of 2011 was filed. The learned single Judge quashed the order impugned in the writ petition and directed the department to grant incentive increment for the writ petitioner for having acquired M.A(Tamil) degree. Consequential monetary benefits were also directed to be paid. Challenging the said order, this writ appeal has been filed.

3.The learned Government Advocate appearing for the department submitted that the order of the learned single Judge deserves to be set aside.

4.Per contra, the learned counsel appearing for the writ petitioner submitted that the learned single Judge had adopted the right approach. He pointed out that the object of conferring incentive increments is to encourage the teachers to acquire additional qualifications so that the benefit thereof will eventually be passed on while imparting education to students. He called upon this Court to sustain the impugned order and dismiss the writ appeal.



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5. We carefully considered the rival contentions and went through the materials on record.

6. Paragraphs 6 to 8 of the order passed by the learned single Judge read as follows:

6. According to the petitioner, she has completed B.Lit. degree and based on the same, she applied for M.A. (Tamil) degree and completed M.A. (Tamil) degree. It is not in dispute that the petitioner is entitled to do M.A. degree, on completing B.Lit. Degree. When that be so, there is no necessity to acquire B.A. degree and then, M.A (Tamil) degree as stated by the respondents.

7. The respondents mainly relying on G.O.Ms.No.42, dated 10.01.1969, stated that the petitioner is not entitled to get incentive increment, as she has not acquired B.Ed. degree and then, M.A. degree. A perusal of G.O.Ms.No. 107, dated 20.01.1976 shows that G.O.Ms.No.42 has been amended regarding increments to Tamil Pandits and the Government issued revised orders as follows:

“Tamil Pandits Grade I, who do not have to possess B.T. for initial appointment, and Grade II Tamil Pandits may be allowed two



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incentive advance increments either for B.T. or for M.A. Advance increments may be allowed for a second time for such teacher, who after passing B.T. possess M.A., or after passing M.A. passes B.T. Advance increments shall not be allowed to them for passing M.Ed.”

8. From the above said G.O., it is clear that the teachers who complete either B.T. or M.A. first should be given advance increment and a second time increment could be given if the same person acquires B.Ed. degree. As the petitioner has acquired M.A. degree first, she cannot be denied incentive increment stating that she has not acquired B.Ed. degree. Therefore, this Court is inclined to set aside the impugned order.”

7. Before us also the learned counsel appearing for the writ petitioner / the first respondent herein relied on as many as 3 GOs, namely, G.O(Ms)No.42 Education Department dated 10.01.1969, G.O(Ms)No.107 Education Department dated 20.01.1976 and G.O(Ms)No.1024 Education, Science and Technology Department dated 09.12.1993. Let us examine whether these GOs can be favourably invoked in support of the writ petitioner.



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8.G.O(Ms)No.107 Education Department dated 20.01.1976

pertains only to Tamil Pandits. Paragraph 4 of the said GO reads as follows:

“4. Tamil Pandits Grade I, who do not have to possess B.T., for initial appointment, and Grade II Tamil Pandits may be allowed two incentive advance increments either for B.T or for M.A. Advance increments may be allowed a second time for such a teacher, who after passing B.T, possess M.A., or after passing M.A passes B.T. Advance increments shall not be allowed to them for passing M.Ed.”

A mere reading of the aforesaid operative portion of the GO would clearly indicate that it applies only to Tamil Pandits and not to secondary Grade Teachers. Therefore, the writ petitioner cannot seek the benefit of the aforesaid GO.

9.G.O(Ms)No.42 Education Department dated 10.01.1969 reads as

follows:

“2. A secondary grade teacher who after passing B.T or B.Ed., degree examination qualifies for M.A. or M.Sc or M.Ed degree but working in Secondary Grade Post may be given advance increments for second time also. i.e., two advance increments after passing B.T. or



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B.Ed. degree and another two after passing M.A or M.Ed degree. B.T. teacher who after passing M.A or M.Sc qualifies for M.Ed degree examination but working in B.T or Head master's post may be given advance increments for a second time also, i.e., two advance increments after passing M.Ed degree.”

A reading of the aforesaid GO would indicate that a secondary grade teacher would be eligible for incentive increments for acquiring M.A degree. However, such acquisition must be subsequent to acquiring the B.T or B.Ed degree and that too while working as a secondary grade teacher. The GO makes it clear that the incentive increment for acquiring M.A degree is only the second incentive increment. That means the secondary grade teacher must already have been granted the first incentive increment. Admittedly, the writ petitioner has not been granted any incentive increment so far. Therefore, the aforesaid GO also cannot be pressed into service by the writ petitioner. G.O(Ms)No.1023 Education, Science and Technology Department dated 09.12.1993 is also on the same lines as that of G.O(Ms)No.42 Education Department dated 10.01.1969. Paragraph 4 of the G.O(Ms)No.1023 reads as follows:

“4. Accordingly, the Government direct that Secondary Grade Teachers who got 2 advance increments for B.T or B.Ed., qualification in the



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Secondary Grade posts and then 2 advance increments for M.A or M.Sc qualification in the post of B.T.Assistant shall be eligible for 2 more advance increments if they have already obtained the M.Ed qualification in the post of B.T.Assistant. This concession shall be admissible only too the past cases, i.e., to those who have already obtained the above qualification prior to the date of issue of these orders. In future, the maximum number of advance increments admissible to the Teacher for obtaining higher qualification under the orders first read above shall be four only.”

A mere perusal of the aforesaid GO leads us to conclude that only a person who has already been granted advance increments for having acquired B.T or B.Ed qualification alone would be eligible for 2 more advance increments on acquiring M.A and M.Sc degree. In other words, the prerequisite for granting advance increments for acquiring M.A degree is the prior possession of B.T or B.Ed degree. Such is not the case here.

10.Looked at from any angle, none of the GOs were come into the writ petitioner's rescue. The learned single Judge had misconstrued and misread the GOs in question. The order passed by the learned single Judge is set aside.



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WEB COPY 11.This Writ Appeal is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
11.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA
To

The Secretary,
Alagu Sundaram Middle School,
Madurai – 625 016.



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AND

R.KALAIMATHI, J.

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