



WP(MD)No.15247 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 29.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**WP(MD)No.15247 of 2021
and
WMP(MD)No.12165 of 2021**

J.Navis Lawrancia Vasantha

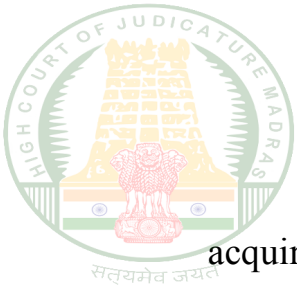
... Petitioner

Vs

- 1.The District Educational Officer,
Thoothukudi District.**
- 2.The Commissioner of School Education,
College Road, Chennai – 600 006.**
- 3.The Correspondent,
St.Joseph's Girls Higher Secondary School,
Cruzpuram, Thoothukudi – 628 001.**

... 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 in O.Mu.No.5689/A5/2019, dated 31.10.2019 on the file of the 1st respondent and quash the same and further directing the respondent to refix the petitioner's salary and pension by accepting the proposal for increment from the date of



WP(MD)No.15247 of 2021

acquiring the degree of master of philosophy in English.

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For Petitioner : Mr.G.Prabhu Rajadurai
For Respondent : Mr.P.T.Thiraviam,
Nos.1 & 2 Government Advocate
For Respondent : Mr.K.Ragatheesh Kumar
No.3 for M/s.Isaac Chambers

ORDER

The petitioner, who was working as PG.Assistant in the 3rd respondent school has made a request for incentive increment for her additional qualification of M.Phil degree and the same was rejected by the order impugned in this writ petition. Challenging the same, this writ petition has been filed.

2.The learned counsel appearing for the petitioner submits that the M.Phil degree was considered to be a qualification for providing incentive increment, however, the same has been denied for the petitioner.



WP(MD)No.15247 of 2021

WEB COPY

3.The learned Government Advocate appearing for the respondents submits that the petitioner completed her M.Phil degree in the year 2010 and she retired in the year 2011 and after eight years, she has made a request for incentive increment for her additional qualification of M.Phil degree in the year 2019 and therefore, the petitioner's request was rejected by the respondent on the ground that the petitioner has studied M.Phil degree without obtaining prior permission.

4.The learned Government Advocate by relying on the order of this Court in WA(MD)No.1763 of 2022, further submits that if the teacher had obtained higher qualification without prior permission, he is not eligible for incentive increment. Further the government had already taken a policy decision that there cannot be any M.Phil degree through distance education after the academic year 2007-2008. Therefore, the petitioner is not entitled for incentive increment.

5.The learned Counsel for the petitioner further submits that the petitioner has obtained necessary permission for pursuing M.Phil degree



WP(MD)No.15247 of 2021

from the 3rd respondent school. According to the learned Counsel, the 3rd respondent school is a minority school and therefore, she is entitled to get incentive increment for their higher qualification.

6.This Court has considered the rival submissions made and perused the materials.

7.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 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.



WEB COPY



WP(MD)No.15247 of 2021

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 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.”



WP(MD)No.15247 of 2021

8. In view of the aforesaid decision of the Division Bench, this writ petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

29.01.2025

Internet : Yes / No

DSK

To

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WP(MD)No.15247 of 2021

B.PUGALENDHI, J.

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WP(MD)No.15247 of 2021

29.01.2025