



W.A.(MD) No.444 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.07.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.A.(MD) No.444 of 2020
and
C.M.P.(MD) No.3167 of 2020**

1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

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

3.The Joint Director of School Education
(Secondary Education),
College Road, Chennai-600 006.

4.The Chief Educational Officer,
Thoothukudi, Thoothukudi District.

5.The District Educational Officer,
Thoothukudi, Thoothukudi District.

... Appellants/
Respondents 1 to 5

Vs.

1.J.Tamilrajan

... 1st Respondent/
Writ Petitioner

2.The Secretary,
Karapettai Nadar Higher Secondary School,
Thoothukudi,
Thoothukudi District-628 002.

... 2nd Respondent/
6th Respondent



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 03.01.2019 passed in W.P.(MD) No.4019 of 2018 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondent-1 : Mr.P.Pethu Rajesh

For Respondent-2 : Mr.B.Saravanan
for Mr.R.Maheswaran

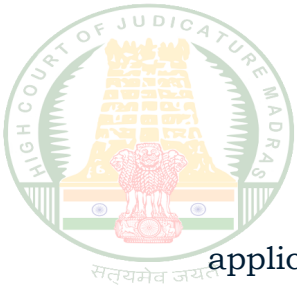
JUDGMENT

[Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.]

The present intra-court appeal has been instituted assailing the order dated 03.01.2019 passed in W.P.(MD) No.4019 of 2018.

2. The State has filed this appeal mainly on the ground that the first respondent/writ petitioner is not eligible for incentive increment under the Government scheme.

3. The learned Additional Government Pleader would submit that the writ petitioner is holding the post of B.T.Assistant in Tamil. He acquired the qualification of B.Ed., and M.A. (History) and filed an



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application seeking two incentive increments for the said qualifications. The authorities have rejected the application on the ground that B.Ed., is the requisite qualification for appointment to the post of B.T.Assistant (Tamil). Therefore, the said B.Ed., qualification cannot be construed as an additional qualification for the purpose of grant of incentive increment. As far as M.A.(History) is concerned, the learned Additional Government Pleader would submit that the authorities held that it is not relevant insofar as the post of B.T.Assistant (Tamil) is concerned. The Government scheme stipulates that higher qualifications acquired must be relevant to the post in which the Teacher is working and therefore, the writ order is to be set aside.

4. Scheme of incentive increment is a concession and not a part of service condition. The concession scheme has been introduced by the Government to encourage the Teachers to acquire higher qualification to impart better education to the children. All such schemes are to be implemented scrupulously following the terms and conditions stipulated. The higher qualification acquired by the Teacher must be in connection with the post in which he/she is working. When the Government scheme contemplates that the additional qualification acquired must be in the context of the subject



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dealt with by the Teacher, Courts cannot extend the scope of the scheme for the purpose of granting incentive increment for all the qualifications acquired by the Teacher.

5. In the present case, admittedly, the writ petitioner is holding the post of B.T.Assistant (Tamil). Qualification of B.Ed., is requisite for appointment to the post of B.T.Assistant (Tamil). Therefore, he is not entitled to get incentive increment for the qualification of B.Ed. As far as M.A.(History) is concerned, the subject is not relevant to the post of B.T.Assistant (Tamil) and therefore, it may not be beneficial for imparting better education. Since the scheme stipulated conditions for grant of incentive increments, the scope cannot be extended by the Courts.

6. Learned counsel for the writ petitioner would submit that the grounds raised now were not raised earlier by the State.

7. However, this Court is of the considered view that it is settled proposition of law and though the grounds are not specific, proper grounds are raised, which would be sufficient for this Court to deal with the issue, more specifically when there is no ambiguity in the Government scheme for grant of incentive increment to the Teacher



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for possessing higher educational qualification. Thus, we are inclined to interfere with the order passed by the Writ Court.

8. Accordingly, the order dated 03.01.2019 passed in W.P.(MD) No.4019 of 2018 is set aside and this Writ Appeal is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

J.]

[S.M.S., J.]

[A.D.M.C.,

24.07.2025

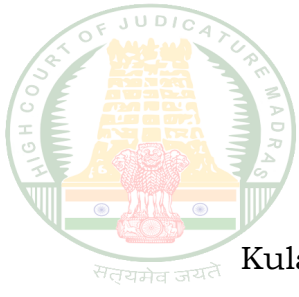
Index:Yes/No
Internet:Yes/No
NCC:Yes/No

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To

- 1.The District Collector-cum-Inspector
of Panchayat,
Collectorate, Pudukottai District.
- 2.The Block Development Officer
(Village Panchayat),
Kundrandarkovil, Kulathur Taluk,
Pudukottai District.
- 3.The President,
Killukulavaipatty Panchayat,
Kundrandarkovil Panchayat Union,

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Kulathur Taluk, Pudukottai District.

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S.M.SUBRAMANIAM, J.
and
DR.A.D.MARIA CLETE, J.

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