



W.P.(MD).No.23445 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).No.23445 of 2019

Poopalan Samraj Chinnaiah

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Fort St.George,
Chennai-9,
Through its Secretary (Elementary Education).

2.The Director of Elementary Education,
DPI Complex,
Chennai-6.

3.The Chief Educational Officer,
Thoothukudi.

4.The District Education Officer,
Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to pay the arrears of B.Lit, B.Ed., increment with 12% interest calculating from 31.12.2010.

For Petitioner : M/s.V.Janaki Devi

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader



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ORDER

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The petitioner, who was working as Middle School Headmaster having the education qualification of B.Lit, M.A., B.Ed., has come forward with a Writ of Mandamus to direct the respondents to pay the arrears of B.Lit, B.Ed., increment with 12% interest calculating from 31.12.2010. He had approached the respondents seeking incentive increment for the above qualification. His representation dated 26.02.2015 was forwarded to the respondents and since no order was passed, this Writ Petition has been filed.

2. According to the petitioner, originally, he was having an educational qualification of M.A., B.Ed., and applied for incentive increment and he was granted incentive increment for completion of M.A. degree. However, no incentive increment was awarded for his qualification of B.Lit., and B.Ed.

3. The learned counsel for the petitioner submits that already similarly placed person, who had completed B.Lit., and B.Ed qualification, was awarded with incentive increment for the said qualification and since the petitioner was also having the very same qualification, he shall be extended with the incentive increment.



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4. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that as per the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service, for the post of Headmaster/Headmistress of Middle School, the basic qualification is a degree of any University, a degree of equivalent standard and B.Ed., degree of any University or a degree in Tamil of any University and B.Ed degree of any University. In this case, the petitioner is having the qualification of B.Lit., and B.Ed., which is the basic qualification for seeking promotion as a Headmaster in the Middle School. Hence, the same is not higher qualification and the petitioner is not entitled for any incentive increment.

5. I have considered the submissions made on both sides and perused the materials available on record.

6. The issue involved in this Writ Petition is considered by the Hon'ble Division Bench of this Court in the case of ***S.Duglas Albert Raj Vs. The State of Tamil Nadu, Represented by its Secretary, Department of School Education, Chennai and others*** in ***W.A.(MD).Nos.2124 of 2023 etc., batch dated 20.12.2023*** and in paragraph 5, it is held as follows:



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“5. With reference to the policy of the incentive increments sanctioned by the Government, we have gone through the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service and Annexure to Rule 6 (b) (i) provides basic qualification for promotion to the Headmasters / Headmistress of Middle School reads as under:-

“1. A degree of any University or a Degree of Equivalent Standard and B.Ed., Degree of any University.

or

2. (a) A degree in Tamil of any University;”

It is not in dispute that one of the basic qualification for promotion to the post of Headmaster Middle School is B.Ed. Therefore, the basic qualification cannot be construed as an eligible qualification for the purpose of grant of incentive increment since the Scheme itself contemplates the benefit of incentive increment is to be granted only for acquiring higher educational qualifications.”

7. Similarly, the Division Bench of this Court in the case of ***S.Pandimadevi Vs. The Principal Secretary to the Government and others*** in ***W.A.(MD).Nos.498 of 2023 etc., batch dated 29.07.2025***, had relied on G.O.Ms.No.42, Education Department dated 10.01.1969 and considered the



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annexure prescribing advance increment. The annexure of the G.O. reads as follows:

“ANNEXURE

A teacher belonging to the category mentioned in column (1) of the Table below shall be eligible for the two advance increments to the scale of pay admissible for this category if he/she possesses or acquires higher qualification specified in column 2 provided the maximum of the scale of pay is not reached.

<i>Category (1)</i>	<i>Scale of Pay (2)</i>	<i>Higher qualification for which two advance increments are admissible (3)</i>
<i>1. Secondary or Senior Basic Grade Teachers</i>	<i>Rs.90-4-110-3-140</i>	<i>B.T. or B.Ed. degree of a University of the State or the degrees of other Universities recognised as equivalent to the degree of B.T or B.Ed. degree of Universities of this State.</i>
<i>2. B.T B.Ed. Assts.</i>	<i>Rs.140-5-180-10-250 Rs.225-10-275-350</i>	<i>M.A. or M.Sc. M.Ed. degree of a University in the State or the degree of other Universities recognised as equivalent to M.A/M.Sc., or M.Ed. degree Universities of this State.</i>
<i>3. Headmasters of Govt Board Schools and Municipal Township Schools</i>	<i>Rs.225-10-275-15-350</i>	<i>-do-</i>



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4. Headmasters of Aided High Schools	Rs.225-15-276 Rs.300-15-430	-do-
5. Pandits I Gr.	Rs.140-250- or lower scale	B.T. or B.Ed., degree of University in this State or degree of other Universities recognised as equivalent to B.T. or B.Ed. degree of Universities in this State.
6. Pandits II Gr.	Rs.90-4-110-3-140	-do-
7. Physical Training instructors Gr.	-do-	BT or B.Ed. degree of a University in this State or degrees of other Universities recognised equivalent to B. T. or B.Ed., degree of a University in this State or Diploma in Physical Education.
8. Other Specialist Teachers.	-do-	B.T. or B.Ed or other recognised equivalent degrees in this State.

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, ie, two advance increments after passing B.T. or B.Ed., degree and another two after passing M.A. or M.Ed., degree. BT Teacher who after passing M.A. or M.Sc., qualifies for M.Ed., Degree examination but working in B.T. or Headmaster's post may be given advance increments for a second time also, i.e., two advance Increments after passing M.Ed., degree.

3. The advance increments may be given from the day following the last day of the examination in higher qualification mentioned in column (3) of the table whichever is later, in case the regular increment due to a person is withheld by way of punishment the advance increment



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admissible should be given only after the regular increment is sanctioned.

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4. In the case of Panchayat Unions and Municipalities Including Corporation of Madras and townships the expenditure towards the grant of advance increments may be taken into account for purpose of payment subsidy, according to the pattern of aid admissible and no special subsidy may be paid to them. In the case of aided schools the expenditure will be taken into account for purpose of staff grant in the case of secondary schools and teaching grant in the case of Elementary Schools.”

Based on the above annexure, the Division Bench has observed in paragraph 4 of the judgment as follows:

“4.The first question that should be posed is to which of the eight categories, the appellants belong. In our view, the appellants belong to third category ie., Headmasters of Government Board Schools and Municipal Township Schools. The third column of the government order states that only if they acquire M.A. or M.Sc. or M.Ed. degree, they can be conferred with incentive increment. The appellants herein had acquired only B.Ed. degree. Therefore, in our view, the question of conferring incentive increment does not arise at all. Even though the learned Single Judge had given some other reason for denying the relief to the appellants herein, we would rest our order on the fact that the appellants herein have not acquired M.A. or M.Sc. or M.Ed. degree.”



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8. As per the annexure to Rule 6(b)(i) of the Special Rules for the Tamil Nadu Elementary Educational Subordinate Service, for the post of Headmaster/Headmistress of Middle Schools by way of promotion, the following qualification is prescribed:

<i>Class</i>	<i>Name of Category</i>	<i>Method of Appointment</i>	<i>Qualification</i>
2	Headmaster/ Headmistress of Middle Schools	By Promotion	1. A degree of any University or a Degree of Equivalent Standard and B.Ed., Degree of any University or 2.(a) A degree in Tamil of any University; or (b) Minimum General Educational Qualifications as defined in Schedule III under Section 20(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 (Tamil nadu Act 14 of 2016) and title of Oriental Learning conferred by any University in the language; and (c) B.Ed. Degree of any University or a Trained Teachers Certificate of the Secondary Grade or a Senior Basic Grade Trained Teachers Certificate on successful completion of the Pandit Training Course or Diploma in Teaching awarded by any University.



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9. Admittedly, the petitioner was already promoted as a Headmaster and now come with the prayer to grant incentive increment for B.Lit., and B.Ed., qualification. A bare perusal of the annexure to the Rules reveals that B.Lit., and B.Ed., degrees are the basic qualification for promotion to the post of Headmaster and if this qualification has not been acquired, the petitioner would not have been appointed as Headmaster. Already, he availed the benefit of promotion as a Headmaster based on this basic qualification. Moreover, the degree for which he is claiming incentive increment is only a basic qualification and it is not higher qualification for the post he held. Hence, in view of the judgments of the Division Bench (cited supra), the petitioner is not entitled for the claim made by him and accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

14.08.2025

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

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K.RAJASEKAR,J.

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