



W.P.(MD) No.38 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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THE HONOURABLE MR.JUSTICE B.PUGALENDH

W.P.(MD) No.38 of 2022

and

W.M.P.(MD) No.28 of 2022

R.Sivakumari

... Petitioner

Vs.

1.The Chief Secretary,
Government of Tamil Nadu,
Secretariat, St.George Fort,
Chennai.

2.The Director,
Department of School Education,
Collage Road, Chennai - 6.

3.The Chief Educational Officer,
Department of Higher Secondary Education,
Trichy District.

4.The Registrar,
Bharathidhasan University,
Palkalai Nagar,
Thiruchirappalli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for
the issuance of a Writ of Certiorarified Mandamus calling for the records



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relating to the first respondent's order in G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 and quash the same and consequently direct the respondents to grant advance increment to the petitioner for M.Phil Qualification.

For Petitioner : Mr.P.Muthusamy

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the first respondent's order in G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, quashing the same and consequently directing the respondents to grant an advance increment to the petitioner for her M.Phil qualification.

2. The petitioner is a P.G.Assistant Teacher. She approached the third respondent for permission to pursue M.Phil course in Bharathidasan University, Trichy, for the academic period 2017 to 2019, and the permission was granted. Although the viva-voce was proposed to be conducted in the month of March, 2019, due to the outbreak of Covid-19, the University has not conducted the viva-voce in the year 2019. The

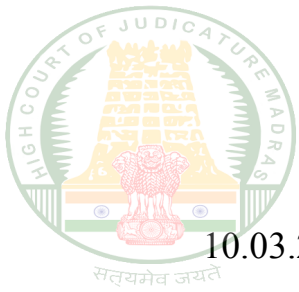


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petitioner has completed the viva-voce only on 12.03.2020, which was just two days after the Government decision in G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020. In this G.O., the Government has decided to sanction a one-time lump sum advance increment and cancel the scheme of monthly advance increments for employees who had completed higher qualifications. Therefore, the petitioner has filed this Writ Petition challenging the said G.O. and seeking a consequential relief to grant a monthly advance increment for her M.Phil qualification.

3. The scheme of advance increments was introduced by the Government to encourage teachers to pursue higher education. However, it has not benefited the students. Therefore, the Government has revised the policy to grant a one-time lump sum advance increment for higher education, if any, *vide* the impugned G.O.(Ms) No. 37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020.

4. Admittedly, the petitioner completed her M.Phil course only on 12.03.2020, after the issuance of the impugned G.O.(Ms) No.37, Personnel and Administrative Reforms (FR-IV) Department, dated

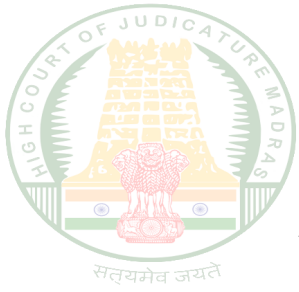


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10.03.2020. Since the petitioner is affected by the impugned G.O., she has filed this Writ Petition challenging it. This Government Order has been passed as a policy decision of the Government, and the sanctioning of advance increments is also a policy decision. Therefore, this Court is not inclined to entertain this Writ Petition.

5. However, the grievance of the petitioner needs to be addressed by the Government, as persons with similar qualifications have been provided with the monthly advance increment. Even if the Government is taking a policy decision to continue providing advance increments to those who have already availed of them, the Government should ensure that students are benefiting from the higher education courses undertaken by teachers who are receiving the monthly advance increment.

6. Since the Government has taken a policy decision to provide a one-time lump sum advance increment, the respondents shall consider the petitioner's case, if eligible, for the post of M.Phil availed by her after obtaining permission. The same may be considered positively within a period of 8 weeks from the date of receipt of a copy of this order.



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7. In the result, this Writ Petition stands dismissed with the above observations. No costs. Consequently, the connected Miscellaneous Petition is closed.

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(2/2)

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

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B.PUGALENDH, J.

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