

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29/9/2004

CORAM:

THE HONOURABLE MR.JUSTICE V.KANAGARAJ

WRIT PETITION NO.18702 OF 1996

S.Shanmugam .. Petitioner

-Vs-

1. The Director of School Education,
College Road,
Chennai-6.

2. The District Educational Officer,
Tiruvannamalai-1.

3. The Correspondent,
Danish Mission Higher Secondary
School,
Tiruvannamalai. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus as stated therein.

For petitioner : Mr.V.Ramajegadeesan

For respondents : Mr.R.Chandrasekaran,
Govt. Advocate for R1 & R2.
No appearance for R3.

:O R D E R

The above Writ Petition has been filed by the petitioner praying to
issue a Writ of Certiorarified Mandamus to call for the records of the second
respondent, the District Educational Officer, Tiruvannamalai in
R.C.No.9487/A5/96, dated 21.11.1996 and to quash the same consequently direct
the respondents to sanction two incentive increments to the petitioner for
acquiring M.Ed. Degree qualification on the due date.

2. The case of the petitioner is that he was appointed as Tamil
Pandit Grade I in the third respondent school; that thereafter he passed M.A.
in the year 1984, B.Ed., in the year 1985 and M.Ed. in the year 1988; that
the Government introduced the scheme of sanctioning incentive increments to

the Teachers in order to encourage them to acquire higher educational qualifications which in turn will be useful for the students; that accordingly, the respondents have sanctioned two incentive increments for acquiring M.A. in 1984 and another two incentive increments for acquiring B.Ed. degree in the year 1986; that thereafter, he applied for two more incentive increments for M.Ed. degree to the third respondent on 12.9.1996, but his request was rejected by the impugned order on the ground that there are no provisions in the rules for sanctioning third incentive increments. On such averments, the petitioner has come forward to file this writ petition praying for the relief extracted supra.

3. In the counter affidavit filed by the respondents 1 and 2, they would submit that the scheme of incentive increments to the teachers had been introduced by G.O.Ms.SNo.42, Education dated 10.1.1969 and this scheme is limited to two incentive increments to a teacher who possess or acquires in his entire service and do not permit the teachers to get third incentive etc., during his promotional avenues and acquiring higher qualification particularly this scheme of incentive increment is not attached to the post held by the petitioner.

4. Heard the learned counsel for the petitioner and the respondents as well and the materials placed on record have also been perused.

5. In consideration of the facts pleaded, having regard to the materials placed on record and upon hearing the learned counsel for both, this court is being apprised the fact situation that the petitioner during his service had not only possessed the Degree of Bachelor of Teaching so as to become eligible for the first two incentive increments that was allowed, but also possessed his M.A degree subsequently so as to become eligible for the second two incentive increments that was also allowed and the petitioner's case is that even afterwards he possessed his M.Ed. degree as a result of which he is eligible for the third two incentive increments but on the part of the respondents advocating theory that one is not eligible for more than two incentive increments for the whole career, the petitioner was not considered for the same since a scheme of incentive increments to the teachers had been introduced by G.O.Ms.No.42 Education dated 10.1.1969 and this scheme is limited to two incentive increments to teachers who possessed/acquired qualifications in his entire service and do not permit the teachers to get a third incentive increment during his promotional avenues and acquire higher qualifications further stating that this scheme of incentive increment is not attached to the post held by the petitioner.

6. However, the learned counsel appearing on behalf of the petitioner would cite the Government Order G.O.Ms.No.1023 Education, Science and Technology Department dated 9.12.1993, wherein in paragraph 4 it is stated as follows:

"the Government has directed the Secondary Grade Teachers who got 2 advance increments for B.T. or B.Ed. qualification in the 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 two more advance increments if they have

already obtained the M.Ed. qualification in the post of B.T. Assistant and this concession shall be admissible only to the past cases i.e. to those who have already obtained the above qualification prior to the date of issue of these orders and in future, the maximum number of advance increments admissible to a Teacher for obtaining higher qualification under the orders shall be four only. "

7. In view of the above Government Order, it is clear that the petitioner is entitled to get his third incentive increments and therefore, it is only desirable to allow the above Writ Petition quashing the proceedings of the second respondent, the District Educational Officer, Tiruvannamalai in R.C.No.9487/A5/96, dated 21.11.1996 consequently direct the respondents to sanction two incentive increments to the petitioner for acquiring M.Ed. Degree qualification on the due date and hence the following order:

In result,

(i) the above writ petition succeeds and the same is allowed;
(ii) the proceedings of the second respondent, the District Educational Officer, Tiruvannamalai in R.C.No.9487/A5/96, dated 21.11.1996 is quashed;
V.KANAGARAJ,J

gr.

(iii) consequently the respondents are directed to sanction two incentive increments to the petitioner for acquiring M.Ed. Degree qualification on the due date;

(iv) however, in the circumstances of the case, there will be no order as to costs.

Index:Yes

Internet:Yes gr.

To

1. The Director of School Education, College Road, Chennai-6.
2. The District Educational Officer, Tiruvannamalai-1.
3. the Correspondent, Danish Mission Higher Secondary School, Tiruvannamalai.

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