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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MS JUSTICE R.POORNIMA**

**W.A(MD)No.220 of 2025
and
CM.P(MD)No.1472 of 2025**

- 1.The Director of Elementary Education,
DPI Complex,
College Road, Chennai-6.
- 2.The District Educational Officer,
(Elementary)Education,
Thanjavur District.
- 3.The Block Educational Officer,
Ammapettai,
Thanjavur District.

... Appellants/Respondents

.Vs.

Rajeswari Bai

... Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act praying this Court to set aside the order of this Court made in W.P(MD)No.25328 of 2023,



WEB COPY dated 30.11.2023.

For Appellants : Mr.J.Ashok
Addl.Govt.Pleader

For Respondent : Mr.G.Karnan

JUDGMENT

(Judgment of the Court was made by **DR.G.JAYACHANDRAN.,J**)

The order of the learned Single Judge passed in W.P(MD)No.25328 of 2023, dated 30.11.2023 is under challenge by way of this intra Court appeal.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The grievance of the State is that the respondent, who is the Writ Petitioner, obtained M.Com degree even before she joined the service and thereafter acquired B.Ed degree. For acquiring additional qualification, she has sought for two incentive increment and the same was granted. Later, it was found that Secondary Grade Teachers are not eligible to claim incentive



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increment for possessing Master Degree in Commerce(M.Com). As a consequence, B.Ed degree acquired based on the M.Com degree will also not enure any benefit of incentive increment to the respondent. Hence, the incentive increment was withdrawn and recovery was ordered by proceedings of the Block Education Officer vide order, dated 18.08.2023 in Na.Ka.No.1484/A1/2023.

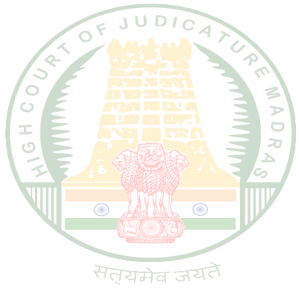
4.The said proceedings was challenged by the respondent in W.P(MD)No. 25328 of 2023 and the same was allowed partly by the learned Single Judge holding that the additional advance increment as incentive can be given to the Second Grade Teacher only if he possess Post Graduate Degree in Arts, Science or Education and not in Commerce(ie., M.Com).However, the incentive increment so far received by the Writ Petitioner for acquiring additional qualification of M.Com cannot be recovered. As far as additional advance increment granted for B.Ed qualification, the learned Single Judge held that the Writ Petitioner is eligible for advance increments for possessing B.Ed degree as per G.O.Ms.No.1023, dated 9.12.1993. Therefore held that the incentive increment already granted for acquiring B.Ed degree cannot be faulted and the same cannot be withdrawn or recovered.



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5. The learned Additional Government Pleader appearing for the appellant would submit that having held that M.Com degree will not confer advantage of getting advance increments, the acquisition of B.Ed degree based on M.com degree are also will not enure any benefit of additional advance increment to the Writ Petitioner.

6. This Court, after careful consideration of the spirit of G.O.Ms.No.1023, dated 9.12.1993 issued by the Education Department, consider that the order passed by the learned Single Judge is in confirmation with the spirit of the Government Order. Likewise, though the Writ Petitioner is not entitled for two advance increments for acquiring M.Com degree, having extended the benefit, the monetary benefit so far received by the Writ Petitioner need not be recovered in the light of the dictum laid down by the Honourable Supreme Court in ***State of Punjab and others etc.vs. Rafiq Masih(White Washer) etc.,(Civil Appeal No. 11527 of 204)***

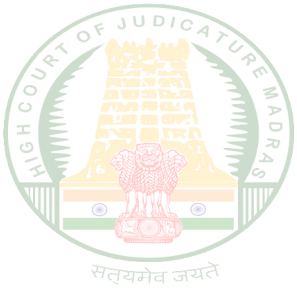


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7. Hence, the Writ Appeal is dismissed. The order of the learned Single Judge made in W.P(MD)No.25328 of 2023, dated 30.11.2023 is confirmed. No costs. Consequently, connected Miscellaneous Petition is closed.

[G.J.,J.] [R.P.,J.]
03.02.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn



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DR.G.JAYACHANDRAN, J.
and
R.POORNIMA, J.

vsn

JUDGMENT MADE IN

W.A(MD)No.220 of 2025
and
CM.P(MD)No.1472 of 2025

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