

W.A.(MD)Nos.498 of 2023 and batch

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)Nos.498, 499, 500, 501, 502, 503, 504, 525 and 526 of 2023
and
C.M.P.(MD)Nos.5120, 5123, 5131, 5132, 5134, 5135, 5137, 5351, 5352,
8518, 8521, 8522, 8523, 8524, 8525 and 8527 of 2023**

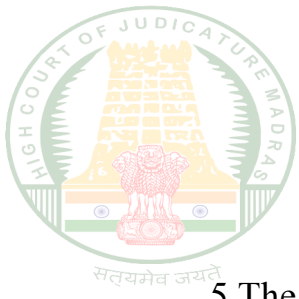
W.A.(MD)No.498 of 2023:-

S.Pandimadevi

... Appellant

Vs.

- 1.The Principal Secretary to the Government,
School Education Department,
Fort St.Geroge,Chennai - 9.
- 2.The Director of Elementary Education,
DPI Compound, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Madurai District.
- 4.The District Educational Officer,
O/o.The District Educational Officer,
Melur, Madurai District.



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5.The Block Educational Officer,
Kottampatti Block,
Madurai District.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.14853 of 2021 dated 24.02.2023 on the file of this Court.

For Appellant : Mr.S.Rajasekar

For Respondents : Mr.C.Venkateshkumar,
Spl. Government Pleader.

COMMON JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellants herein seek conferment of incentive increment for acquiring an additional B.Ed. degree. All of them joined as Secondary Grade Teacher. They were subsequently promoted as Primary School Headmasters. Thereafter, they obtained promotion to the post of Middle School Headmasters. When they were working as Middle School Headmasters, they acquired B.Ed. degree. The only question that calls



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for consideration is whether they are entitled to incentive increment for having acquired the said B.Ed. degree.

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3.G.O.(Ms)No.42 Education Department dated 10.01.1969 issued by the Government of Tamil Nadu reads as follows:-

***“GOVERNMENT OF TAMIL NADU
ABSTRACT***

Education-Fourth Five Year Plan Schemes for incentive Payments and awards to teachers during 1968-69- Sanctioned.

EDUCATION DEPARTMENT

*G.O.Ms.No. 42,
1969.*

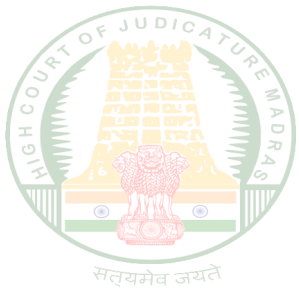
Dated 10th January

Read the following papers:

From the Director of School Education, letter No. 1850/PDI/67 dated 3rd October 1967 and 20th June 1968.

ORDER:

The Government have already accepted in principle to incentive payments and awards should be given to the teachers in schools who acquire higher educational qualifications. The Director of School Education has accordingly submitted proposals, as indicated in Annexure to this order



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2. The Government approve of the proposals of the Director of School Education and direct that advance increments be granted to them as indicated in the Annexure

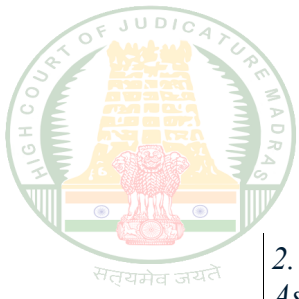
3. The expenditure should be debited to "128 Education Z development schemes-Schemes in the Fourth Five Year Plan Miscellaneous-O-Incentive Payment and awards to teachers". The Director of School Education is requested to take action to provide additional fund incurred by reappropriation from savings.

(By Order of the Governor)

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.

Category (1)	Scale of Pay (2)	Higher qualification for which two advance increments are admissible (3)
1. Secondary or Senior Basic Grade Teachers	Rs.90-4-110-3-140	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.



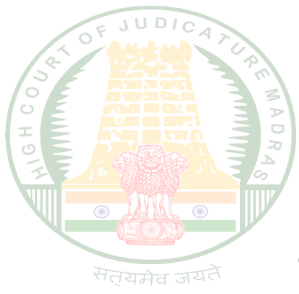
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2. B.T B.Ed. Assts.	Rs.140-5-180-10-250 Rs.225-10-275-350	M.A. or M.Sc. M.Ed. degree of a University in the State or the degree of other Universities recognised as equivalent to M.A/M.Sc., or M.Ed. degree Universities of this State.
3. Headmasters of Govt Board Schools and Municipal Township Schools	Rs. 225-10-275-15-350	-do-
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. of M.Sc., or M.Ed., degree but working in Secondary Grade post may be given



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

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.”

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



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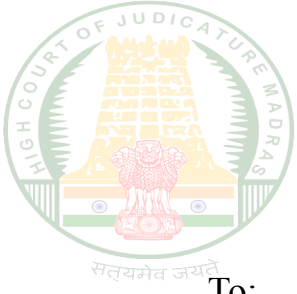
third category ie., Headmasters of Government Board Schools and Municipal Township Schools. The third column of the government order states that only if they acquire M.A. or M.Sc. or M.Ed. degree, they can be conferred with incentive increment. The appellants herein had acquired only B.Ed. degree. Therefore, 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. We make it clear that the appellants cannot be said to be guilty of any misrepresentation. Therefore, whatever benefits that had already conferred on them shall not be recovered. Re-fixation can be done but recovery cannot be made.

5. These writ appeal are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (K.R.S. J.)
29.07.2025

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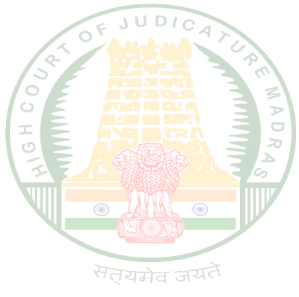
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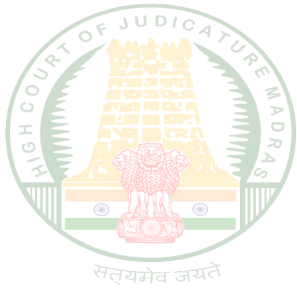
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