

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.A. No. 1422 of 2015

1. The Director of School Education,
DPI Compound, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Vellore, Vellore District.
3. The Headmaster,
Government Girls Higher Secondary School,
Natrampalli - 635 852,
Vellore District. Appellants/Respondent

Vs.

Pallavan Respondent/Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.08.2011 in W.P. No. 5346 of 2010 on the file of this Court.

Prayer W.P. No. 5346 of 2010 : Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records pertaining to the order issued by the 3rd respondent dated 17.3.2009 and quash the same and consequently direct the respondents to sanction 1 set of incentive increment to the petitioner for his M.Phil qualification with effect from 11.8.2008 the date on which the petitioner was promoted as P.G.Assistant and confer all the consequential benefits

For Appellant : Mr. K. Karthikeyan, Government Pleader

For Respondent: Mr. T. Sellapandian

J U D G M E N T
(Delivered by M.M.Sundresh,J.)

The issue is with respect to the third incentive sought. Learned Government Pleader submitted that the issue raised has already been dealt with by a Division Bench of this Court in W.A.No.1664 of 2016 dated 29.06.2018, wherein it has been held as follows:-

"7. The policy decision of the Government has been consistent to the effect that the teachers who acquire higher qualifications can be granted two incentive increments equivalent to four advance increments, during the entire tenure of their service. There is no dispute regarding the fact that the respondent has been awarded two incentive increments for acquiring B.Ed. and M.A. Qualifications. Therefore, he cannot, as a matter of right, claim the third set of incentive increments for having obtained M.Phil qualification. We are therefore, unable to sustain the order of the learned Single Judge directing payment of third incentive increment to the respondent.

8. For the foregoing reasons, the Writ Appeal is allowed and the Writ Petition No. 22860 of 2014 will stand dismissed. However in the circumstances without costs. Consequently, the connected miscellaneous petitions are closed."

In view of the above, this appeal is allowed. No costs. Consequently, M.P. No. 1 of 2015 is closed.

Sd/-

सत्यमेव जयते
Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

ssm

To

1. The Director of School Education,
DPI Compound, College Road,
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Natrampalli - 635 852,
Vellore District.

+1cc to Government Pleader SR.No.85112

W.A. No. 1422 of 2015

VBA (CO)

GMV (03/01/2019)



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