

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1692 of 2015 and
MP No.1 of 2015

- 1.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Secretariat, Chennai - 600 009.
 - 2.The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
 - 3.The Chief Educational Officer,
Salem.
 - 4.The Headmistress,
Government Girls Higher Secondary School,
Thalaivasan, Salem District. Appellants
- vs-
- P.Sundaram Respondent

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order passed in W.P No.29975 of 2013 dated 06.11.2013.

WP.No.29975/2013:The Writ petition is filed under Article 226 of the constitution of India for issuance of writ of mandamus, to direct the respondents to award third incentive increment to the petitioner for acquiring the higher qualification of M.Phil with effect from 01.07.2008 and confer all consequential benefits.

For Appellants : Mr.K.Karthikeyan
Government Advocate

For Respondent : No appearance

J U D G M E N T

[Judgment of the Court was delivered by
K.K.SASIDHARAN,J.]

The writ petition filed by the respondent claiming third incentive increment for acquiring higher qualification of M.Phil was allowed by the learned single Judge. Feeling aggrieved, the State has come up with this appeal.

2. The question regarding the right claimed by the employee for the third incentive increment came up for consideration before this Court in the Director of School Education, Chennai and others v. V.Dhanapal (W.A.No.1664 of 2016). We have scanned the relevant Government Orders and arrived at a conclusion that in case two incentive increments for acquiring B.Ed and M.A. qualifications were given, the employee, as a matter of right, cannot claim third set of incentive increment for having obtained M.Phil qualification.

3. The judgment dated 29 June 2018 in W.A.No.1664 of 2016 would cover the issue raised by the appellants in this writ appeal. We are therefore of the view that the writ appeal deserves to be allowed

4. By following the judgment dated 29 June 2018 in W.A.No.1664 of 2016, the intra court appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary,
School Education Department,
Fort St.George, Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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- 4.The Headmistress,
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Thalaivasan, Salem District.

+1cc to Government Pleader SR.No.46177

VBA (CO)

sm:27.7.2018

W.A.No.1692 of 2015