



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2018

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD) No.220 of 2015

K.Thambithurai

... Petitioner

vs.

1. The Secretary to the Government of Tamil Nadu,
School Education Department,
Fort.St.George, Chennai-9

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

3. The Chief Educational Officer,
Thanjavur, Thanjavur District.

4. The District Educational Officer,
Pattukottai, Pattukottai Taluk,
Thanjavur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent in Na.Ka.No.2553/2014-A1 dated 09.10.2014 and quash the same and consequently direct the respondents to sanction the third incentive increment to the petitioner from the date of acquiring the M.Ed degree within a time frame.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mrs.S.Srimathy

Special Government Pleader

O R D E R

Heard the learned counsel for the writ petitioner.

2. The petitioner herein who was working as a Head Master in Government High School, Enathi, Pattukottai Taluk, Thanjavur District, seeks third incentive increment for possessing M.Ed decree. Earlier two increments were given to him for additional qualification with M.A and B.Ed. Now for acquiring additional qualification i.e. M.Ed decree citing earlier Government Orders passed by the School Education Department in G.O.Ms(2D)15 dated 28.03.2013 in respect of one Latha Devi wherein three incentive



increments have given to her based on the High Court judgment. The petitioner herein seeks parity and requested this Court to issue writ of certiorari mandamus quashing the order of the District Educational Officer, Tirunelveli rejecting his claim for third incentive increment.

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3. The learned Special Government Pleader circulated the Judgment of the Honourable Division Bench of this Court, wherein after referring to earlier order of this court as well as the Government order passed by the School Education Department, the High Court has held that G.O.Ms.No.285, School Education Department dated 28.11.2007 has restricted incentive increment in the School Education Department up to two in their entire service carrier.

4. Reiterating the said Government Order held that awarding incentive increment is a policy decision. The Government having taken policy decision that it should be restricted to maximum of two increments, this Court cannot step into shoes of the Government and modify the policy. As a matter of right, no persons can claim with three such incentive increments for having additional educational qualification.

5. Following the judgment of the Honourable Division Bench of this Court, passed in W.A.No.1664 of 2016 dated 29.06.2018, the Writ Petition is dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS-IV)

To:

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Pattukottai, Pattukottai Taluk,
Thanjavur District.

+ 1 CC TO Mr.V.SASIKUMAR, ADVOCATE IN SR No. 95318

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94979

AAV

TE/BK/SAR-4 : 26/12/2018 : 2P/7C

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