

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2019

CORUM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MS.JUSTICE P.T.ASHA

Writ Appeal No.1717 of 2018
and
C.M.P.No.13728 of 2018

1. The Government of Tamil Nadu,
rep. by its Secretary,
School Education Department,
Fort St. George, Secretariate,
Chennai - 600 009.
 2. The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai - 600 006.
 3. The Chief Educational Officer,
Dharmapuri.
 4. The Headmaster,
Government Higher Secondary School,
Ale-Dharmapuri,
Dharmapuri District - 636 701.
- Appellants / Respondents
- Vs
- R.Kavitha Respondent/ Petitioner

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 01.08.2014 made in W.P.No.20472 of 2014.

Prayer in in W.P.No.20472 of 2014:

Writ Petition filed under Article 226 of the Constitution of India Praying for issuance of a Writ of d Mandamus Directing the respondents to award third incentive increment to the petitioner for acquiring the higher qualification of M.Phil with effect from 01.04.2009 and confer all consequential benefits.

For Appellants : Mr.C.Munusamy
Special Government Pleader
For Respondent : No appearance.

J U D G M E N T

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.,)

The respondent filed a writ petition claiming third incentive increment. The learned single Judge issued a Mandamus directing the appellants to consider the representation of the respondent for sanctioning the third incentive increment. Feeling aggrieved by the said order, the appellants have filed these intra Court appeals.

2. The question as to whether the teachers are eligible for third incentive increment came up for consideration before a Division Bench of this Court in W.A.No.1664 of 2016. The Division Bench, after scanning the relevant Government Orders categorically held that the teachers who had acquired higher qualification would be granted two incentive increments equivalent to four advance increments during the entire tenure of their service. It was further held that the teachers cannot, as a matter of right, claim third set of increment for having obtained M.Phil., qualification.

3. Since the issue is squarely covered by the judgment dated 29.06.2018 rendered by the Division Bench in W.A.No.1664 of 2016, the appellants are entitled to succeed.

4. The order dated 01.08.2014 is set aside. The Writ Petition in W.P.No.20472 of 2014 is dismissed.

5. The intra Court appeal filed by the State is allowed by following the judgment dated 29.06.2018 in W.A.No.1664 of 2018. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

vsi

To,

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- +1 cc to Government Pleader Sr.No. 62331
Writ Appeal No.1717 of 2018
- br
A.SK(29/08/2019)