

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2019

CORUM

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

Writ Appeal No.1745 of 2018
and
C.M.P.No.13957 of 2018

1. The Secretary to Government
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary School Education,
College Road,
Chennai - 600 006.
3. The District Elementary Educational Officer,
Nagapattinam, Nagapattinam District.
4. The Additional Assistant Elementary
Educational Officer,
Vedaranyam, Vedaranyam Taluk,
Nagapattinam District.

...Appellants/ Respondents

Vs

A.Kalitheerthan

...Respondent/ Petitioner

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 24.09.2014 made in W.P.No.26055 of 2014.

Prayer in W.P.No.26055 of 2014: - Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the third respondent in Na.Ka.No. 729/A2/A5/2014 dated 10.3.2014 and consequential order passed by the fourth respondent in Na.Ka.No. 369/Aa1/2014 dated 11.3.2014 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.Phil. Degree within the stipulated time, fixed by this Court.

For Appellants : Mr.C.Munusamy
Special Government Pleader(Education)

For Respondent : Mr.LN.V.Kasinathabharathi

J U D G M E N T

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

The learned single Judge directed the appellants to pay third incentive increment to the respondent taking into account the fact that he acquired M.Phil qualification. Feeling aggrieved by the said order, the appellants have come up with this intra Court appeal.

2. The issue raised in this appeal is squarely covered by the judgment of the Division Bench in The Director of School Education V. V.Dhanapal (Judgment dated 29.06.2018 in W.A.No.1664 of 2018).

3. The Division Bench considered the question of granting third incentive increment on acquiring M.Phil qualification. The Bench opined that Teachers are not eligible for the third set of incentive increment for having obtained M.Phil qualification.

4. The facts in the present case are identical to the judgment cited supra. Hence, the judgment would squarely applies to the case of the respondent.

5. The intra Court appeal is allowed by following the judgment dated 29.06.2018 in W.A.No.1664 of 2016. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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+1cc to the Govt.Pleader, Vide Sr.No.64710

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Kak(29/08/2019)