

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORUM

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

Writ Appeal No.1869 of 2018
and
C.M.P.No.14996 of 2018

1. The Secretary to Government
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thiruvallur District,
Thiruvallur.
4. The Headmaster,
Government Higher Secondary School,
K.G.Kandigai - 635 205
Tiruvallur District. Appellants

Vs

P.Krishnan

.... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 18.12.2013 made in W.P.No.34387 of 2013.

Prayer in W.P.No.34387 of 2013:

Petition Under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the 1st respondent to sanction incentive increments for acquiring M.Phil qualification by extending the benefits of the GO Ms No. 209 and 15 School Education Department dated 8.1.2008 and 28.3.2013 respectively to the petitioner.

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 matter relates to third incentive increment. The learned single Judge issued a mandamus directing the appellants to consider the representation of the respondent for sanctioning third incentive increment.

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. The issue raised is therefore squarely covered by the judgment dated 29.06.2018 in W.A.No.1664 of 2016.

4. 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/-

सत्यमेव जयते
Assistant Registrar(CS VI)

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Sub Assistant Registrar

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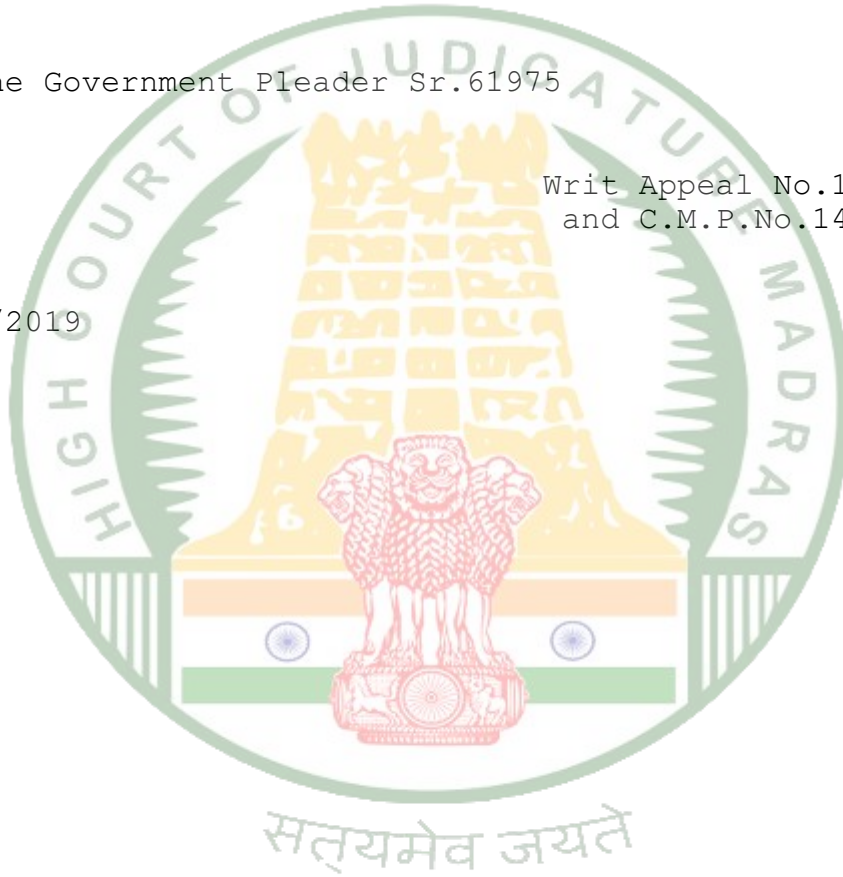
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+1cc to the Government Pleader Sr.61975

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