

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.2092 of 2018
and
C.M.P.No.16393 of 2018

1. The Secretary to Government,
Government of Tamilnadu,
School Education Department,
Fort St. George,
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 Headmaster,
Government Higher Secondary School,
Manjini Attur Taluk,
Salem District.
- Appellants

Vs

R.Ravichandri Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 12.12.2013 made in W.P.No.33669 of 2013.

Prayer in W.P.No.33669 of 2013:Writ Petition filed under Article 226 of the Consitution of India praying this Court to issue a Writ of Mandamus directing 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.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 12.12.2013 is set aside. The Writ Petition in W.P.No.33669 of 2013 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.

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Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

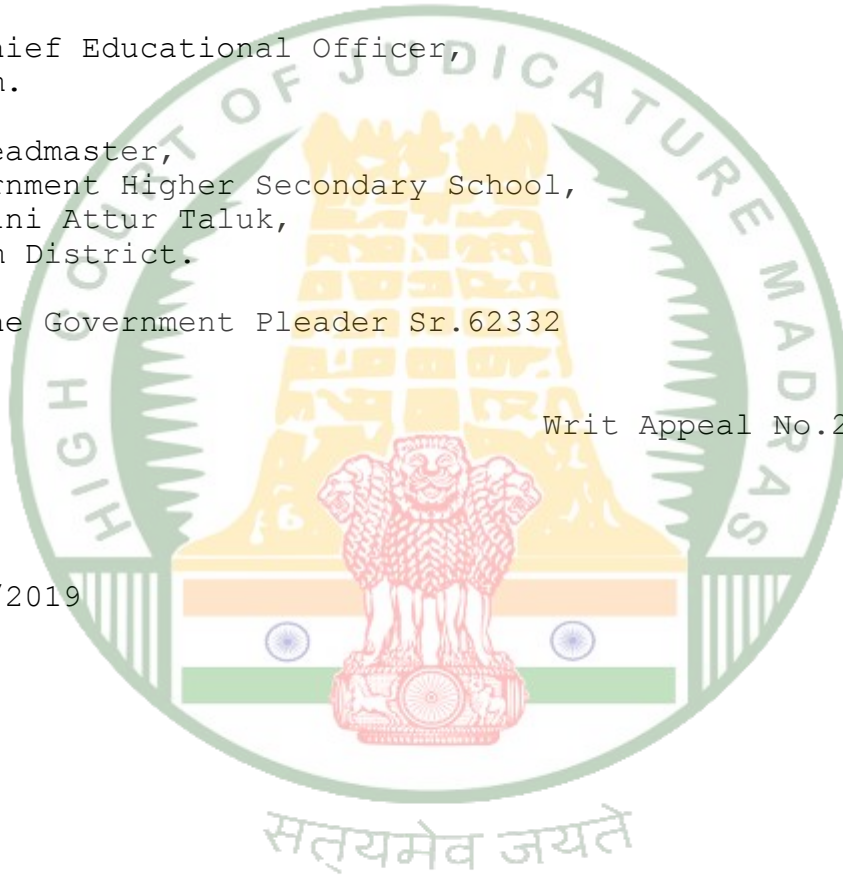
To

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+1cc to the Government Pleader Sr.62332

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srg 14/09/2019



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