

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.2200 of 2018
and
C.M.P.No.17114 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,
Krishnagiri District,
Krishnagiri.
4. The Headmaster,
Government Girls Higher Secondary School,
Kaveripattinam - 635 112,
Krishnagiri District. Appellants

Vs

T.Chitra Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 25.02.2014 made in W.P.No.5539 of 2014.

Prayer in WP.No.5539/2014 : Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Ceriorarified Mandamus or any other appropriate Writ in the nature of writ or direction calling for the records pertaining to the orders passed by the 4th respondent in A.Thi.Mu. No.37/2014 dated 13.2.2014 and quash the same and direct the respondents to sanction incentive increments for acquiring M.Phil Qualification by extending the benefits of the G.O.Ms.

No.209 and 15 School Education Dept dated 8.7.2010 and 28.3.2013 issued by the 1st respondent to the petitioner

For Appellants : Mr.C.Munusamy
Special Government Pleader

For Respondent : No appearance

JUDGMENT

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

The claim made by the respondent for awarding third incentive increment was rejected by the Education Authority. The said order was challenged before the writ Court. The learned single Judge allowed the writ petition. Feeling aggrieved by the said order, the appellants have filed the intra Court appeal.

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 25.02.2014 is set aside. The Writ petition in W.P.No.5539 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

//True Copy//

Sub Assistant Registrar

To

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+1 cc to The Government Pleader Sr.No.62334

AKM/05.09.19/3P-6C /

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