

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.39 of 2018  
and  
C.M.P.No.289 of 201

1. The Director of School Education,  
DPI Campus, College Road,  
Chennai - 600 006.
3. The Chief Educational Officer,  
Villupuram District,  
Villupuram.
4. The Headmaster,  
Government Higher Secondary School,  
Vellimedupettai,  
Tindivanam Taluk - 604 207,  
Villupuram District. ..Appellants/Respondents

-Vs-

J.Bavani

..Respondent/ Petitioner

APPEAL filed under Clause 15 of the Letters Patent to  
set aside the order dated 17.12.2013 made in W.P.No.34205 of  
2013.

Prayer in W.P.No.34205 of 2013:- Petition filed under  
Article 226 of the Constitution of India, praying to issue a  
Writ of Certiorarified Mandamus directing to call for the  
records relating to the proceedings of the 3rd respondent in Na.  
Ka.NO.146 dated 6.12.2013 and to quash the same and consequently  
direct the respondents to sanction the incentive increment for  
the petitioner from the date of acquiring M.Phil. Degree within  
a time frame to be fixed by this Honourable court.

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 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 17.12.2013 is set aside. The Writ Petition in W.P.No.34205 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.

vsi

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of School Education,  
DPI Campus, College Road,  
Chennai - 600 006.
2. The Chief Educational Officer,  
Villupuram District, Villupuram.

3. The Headmaster,  
Government Higher Secondary School,  
Vellimedupettai,  
Tindivanam Taluk - 604 207,  
Villupuram District.

+1cc to the Govt.Pleader, Vide Sr.No.62330

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Kak(14/09/2019)



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