



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2019

CORAM

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

Writ Appeal No.1670 of 2016
and
C.M.P.No.20677 of 2016

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
3. The Head Master,
Government High School,
Theyyar - 604 406
Thiruvannamalai District. Appellants

Vs

A.Ramasamy Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 31.07.2014 made in W.P.No.20287 of 2014.

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the 3rd respondent in Na. Ka. No.172/2008 dt 19.12.2008 and quash the same and consequently direct the respondents to sanction the incentive increment for the petitioner from the date of acquiring M.Ed. Degree within a time frame.

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 learned single Judge directed the appellants to grant third incentive increment to the respondent. The said order is



under challenge at the instance of the State.

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 after careful consideration of the entire factual matrix and relevant Government Orders opined that Teachers cannot, as a matter of right, claim 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. We are of the view that the appeal filed by the State deserves to be allowed.

5. The order dated 16.09.2014 in W.P.No.25173 of 2014 is set aside. 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.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

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TO

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+1cc to the Government Pleader, S.R.No. 64693

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CP(CO)
GN(27/08/2019)