

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 Nos.664 and 834 of 2016
and
C.M.P.No.10746 of 2016

W.A.No.664 of 2016

1. The Secretary to Government
School Education Department,
Government of Tamilnadu,
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,
Namakkal District,
Namakkal.
4. The Headmaster,
Government Girls Higher Secondary School,
Kalappanaickenpatti,
Namakkal District.

.... Appellants

सत्यमेव जयते
Vs

R.Karunakaran

.... Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 17.12.2013 made in W.P.No.34063 of 2013.

W.P.No.34063 of 2013:-

Writ Petition praying to directing the respondents to award third incentive increment to the petitioner for acquiring the higher modification of M.Phil with effect from 01.10.2007 and confer all consequential benefits.

W.A.No.834 of 2016

1. The Secretary to Government
School Education,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
College Road,
Chennai - 6.
3. The Chief Educational Officer,
Madurai.
4. The Headmaster,
Government Higher Secondary School,
Samanatham,
Madurai District. Appellants

Vs

R.Sankar Babu Respondent

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 18.11.2013 made in W.P.No.30836 of 2013 and WP.No.34063 of 2013.

W.P.No.30836 of 2013:-

This Writ Petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus to direct the first Respondent to sanction third incentive increment to the petitioner for obtaining M.Phil Degree.

For Appellants
in both the Appeals : Mr.C.Munusamy
Special Government Pleader
For Respondent
in both the Appeals : Mr.R.Subramanian

COMMON JUDGMENT

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

The respondents filed the writ petitions claiming third incentive increment. The learned single Judge issued a Mandamus directing the appellants to consider the representation of the respondents for sanctioning the third incentive increment. Feeling aggrieved by the said orders, 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 orders dated 17.12.2013 and 18.11.2013 are set aside. The writ petitions in W.P.Nos.34063 and 30836 of 2013 are dismissed.

5. The intra Court appeals filed by the State are 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(CO)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Secretary to Government,
School Education Department,
Government of Tamilnadu,
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,
Namakkal District,
Namakkal.

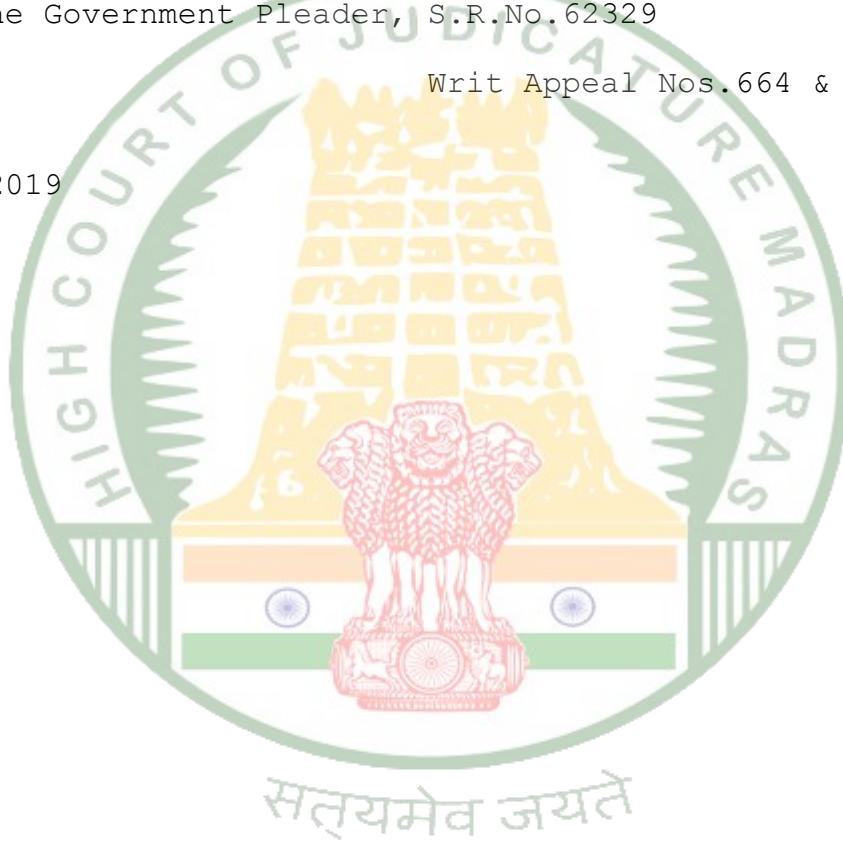
4. The Chief Educational Officer,
Madurai.
5. The Headmaster,
Government Higher Secondary School,
Samanathan, Madurai District.
6. The Headmaster,
Government Girls Higher Secondary School,
Kalappanaickenpatti,
Namakkal District.

+2cc to Mr.R.Subramanian, Advocate, S.R.No.61635, 61637

+1cc to the Government Pleader, S.R.No.62329

Writ Appeal Nos.664 & 834 of 2016

MG(CO)
CS/13/09/2019



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