

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2019

CORUM

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

Writ Appeal No.1213 of 2017
and
C.M.P.No.17120 of 2017

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
 2. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
 3. The Headmaster,
Government Higher Secondary School,
Melpathi, Tiruvannamalai District.
- Appellants/Respondents

Vs

P.Elumalai

..... Respondent/Petitioner

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 05.09.2014 made in W.P.No.22859 of 2014.

Prayer in W.P.No.22859 of 2014:Writ Petition filed under Article 226 of the Constitution of India for a Writ of Certiorarified Mandamus to call for the records relating to the proceedings of the 3rd respondent in Na. Ka. No.18/2005-06 dated 11.7.2005 and 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.K.Karthikeyan
Government Advocate

J U D G M E N T

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

The matter relates to third incentive increment. The learned single Judge quashed the order passed by the third appellant and a mandamus was issued directing the appellants to sanction the third incentive increment to the respondent consequent to his acquisition of M.Phil degree.

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. The issue raised is therefore squarely covered by the judgment dated 29.06.2018 in W.A.No.1664 of 2016.

4. 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//

सत्यमेव जयते
Sub Assistant Registrar

To

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

3. The Headmaster,
Government Higher Secondary School,
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+lcc to the Government Pleader Sr.61980

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srg 10/09/2019



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