

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.1825 of 2017
and
C.M.P.No.22838 of 2017

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

..... Appellants/Respondents

Vs

P.R.Suryakala Respondent/Petitioner

APPEAL filed under Clause 15 of the Letters Patent to set aside the order dated 16.09.2014 made in W.P.No.25173 of 2014.

Prayer in WP.No. 25173 of 2014 : Petition filed under Article 226 of Constitution of India it is therefore, prayed that his Honourable Court may be pleased to issue a Writ, Order, or direction more particularly a Writ in the nature of Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of Writ directing the the Respondents to sanction incentive increment for the Petitioner from the date of acquiring M.Phil. Degree based on the representation submitted by the Petitioner dated 14.08.2014 with arrears of salary with interest, within a time frame to be fixed by this Honourable Court and to pass such further or other orders as this Honourable court may be deem fit and proper in the facts and circumstances of the case and thus render justice.

For Appellants : Mr.C.Munusamy
Special Government Pleader

For Respondent : Mr.G.Sankaran

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

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

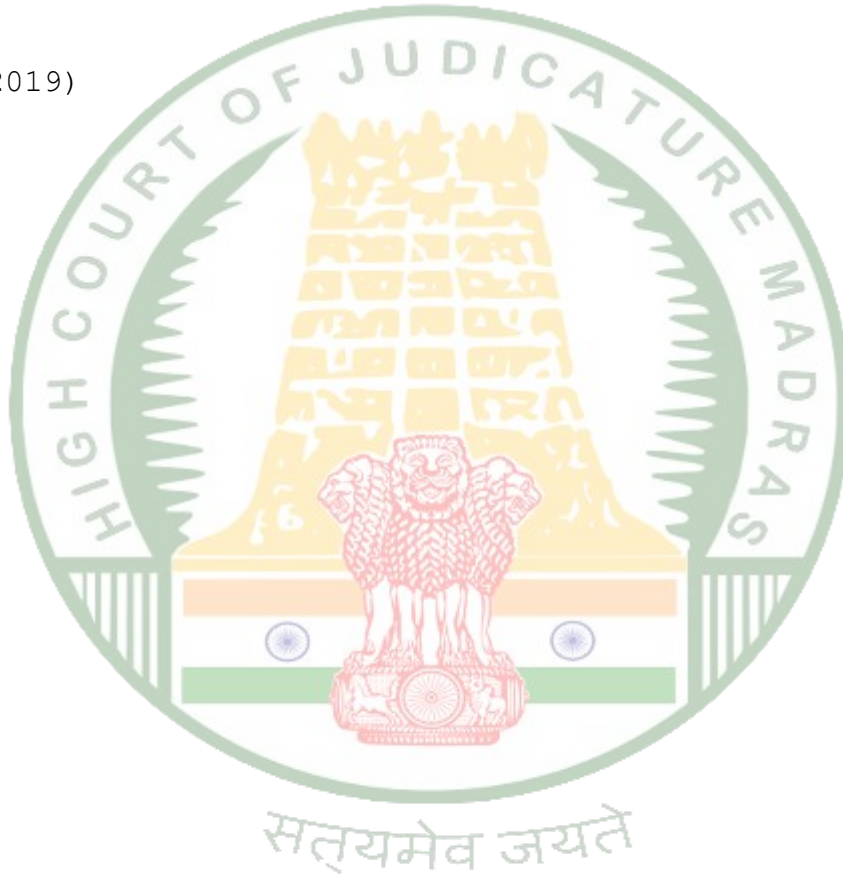
2. The Chief Educational Officer,
Kancheepuram, Kancheepuram District.

3. The District Educational Officer,
Chengalpattu, Kancheepuram District.

+1cc to the Government Pleader, S.R.No. 64692

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



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