

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.08.2019

CORUM

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

W.A.No.885 of 2017
and
C.M.P.Nos.12359 & 12360 of 2017

1. The Director of Elementary Education,
DPI Compound, College Road,
 2. The Assistant Elementary Educational Officer,
Tirupattur Block, Vellore District.
- ... Appellants

Vs.

A.Selvarani ... Respondent

Writ Appeal filed under Clause 15 of the Letters Patent against the order passed by the learned single Judge of this Court in W.P.No.18576 of 2014 dated 05.09.2014.

W.P.No.18576 of 2014:-

Writ Petition praying to calling for the records of the 2nd Respondent herein ATM.No.1377/A1/13 dated 16.12.2013 quash the same and consequently direct the respondents to grant the third set of incentive increment to the petitioner from the date of acquisition of M.Phil Degree.

For Appellants : Mr.C.Munusamy,
Special Government Pleader

For Respondent : Ms.Dakshayani Reddy

J U D G M E N T

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

The learned single Judge directed the appellants to sanction third incentive increment to the respondent. The order dated 05.09.2014 in W.P.No.18576 of 2014 is under challenge at the instance of the State.

2. We have heard the learned Special Government Pleader on behalf of the appellants. We have also heard the learned counsel appearing on behalf of the respondent.

3. The issue as to whether the teachers are eligible for third incentive increment came up for consideration before the Division Bench in W.A.No.1664/2016. The Division Bench accepted the contention taken by the State and opined that the teachers, cannot as a matter of right, claim third set of incentive increment for having obtained M.Phil., qualification.

4. 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.

5. The order dated 05.09.2014 is set aside. The writ petition in W.P.No.18576 of 2014 is dismissed.

6. 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 petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

vsi

+lcc to Government Pleader, in sr.no.66721

W.A.No.885 of 2017

RR(CO)
CS/19/09/2019

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