

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2019

CORAM:

THE HONOURABLE Dr. JUSTICE ANITA SUMANTH

Writ Petition Nos.31660 to 31666 of 2017
& connected WMPs

S.KALAISELVI ... PETITIONER in WP No.31660 of 2017

V.VIJAYA ... PETITIONER in WP No.31661 of 2017

A.ANBUSELVI ... PETITIONER in WP No.31662 of 2017

C.JAYA ... PETITIONER in WP No.31663 of 2017

C.SANTHI ... PETITIONER in WP No.31664 of 2017

V.PRABAAVATHY ... PETITIONER in WP No.31665 of 2017

R.VASANTHI ... PETITIONER in WP No.31666 of 2017

vs.

1. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
KANCHIPURAM DISTRICT, KANCHIPURAM.

2. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUKALUKUNDRAM UNION,
KANCHIPURAM DISTRICT.

..... Respondents

3.THE SECRETARY

KA.KO.PA.VA.SA. AIDED MIDDLE SCHOOL NENMELI
THIRUKALUKUNDRAM UNION KANCHIPURAM DISTRICT

..R3 in W.P.No.31661/2017

4.THE SECRETARY

ANNAMALAI AIDED MIDDLE SCHOOL
THE SUMUGIPETTAI THIRUKALUKUNDRAM UNION
KANCHIPURAM DISTRICT

..R3 in W.P.No.31662/2017

Prayer:- Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 2nd respondent in Na.Ka.No.182/A1/2017 dated 24.11.2017 and to quash the same insofar as the petitioner

is concerned and consequently directing the respondents to continue to pay the incentive increment payable to the petitioner for acquiring B.Ed., degree in compliance to the Government Orders.

For Petitioner in all W.Ps : Mr. S.Nedunchezhiyan

For Respondents 1 & 2 in all W.Ps : Mr. P.Raja

O R D E R

The petitioners were appointed initially as Secondary Grade Teachers. They were promoted as Tamil Pandit on acquiring B.Lit. and thereafter as Middle School Headmasters. They were granted two incentive increments for having acquired B.Ed., degree. Since the respondents have cancelled the second incentive increment and recovery proceedings have been issued vide impugned proceedings dated 24.11.2017, the petitioners have come forward with the present Writ Petitions seeking quashing of the impugned communication and a mandamus directing the respondents to pay the incentive increment for acquiring B.Ed. Degree in terms of G.O.Ms.No.107, Education Department, dated 20.01.1976. The petitioners claim that they were eligible for two increments, one on acquiring B.Lit degree and second on acquiring B.Ed., degree.

2. The issue in regard to grant of second incentive increment on acquisition of additional educational qualification was considered and decided by the Division Bench of this Court in the case of The Director of School Education v. V.Dhanapal (W.A.No.1664 of 2016 dated 29.06.2018). The operative portion of the judgment is as follows:

'7. The policy decision of the Government has been consistent to the effect that the teachers who acquire higher qualifications can be granted two incentive increments equivalent to four advance increments, during the entire tenure of their service. There is no dispute regarding the fact that the respondent has been awarded two incentive increments for acquiring B.Ed. and M.A. qualifications. Therefore, he cannot, as a matter of right, claim the third set of incentive increments for having obtained M.Phil qualification. We are therefore, unable to sustain the order of the learned Single Judge directing payment of third incentive increment to the respondent.'

3. Mr.P.Raja, learned Government Advocate for the respondents fairly submits that the issue is covered by the aforesaid order passed in the Writ Appeal. He further submits

that the State has also accepted the order of the Division Bench and no Special Leave Petition has been filed at present.

4. In the light of the above, these Writ Petitions are allowed and the impugned communication dated 24.11.2017 is quashed. The second incentive increment shall be paid to the petitioners within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To

1. The District Elementary Educational Officer,
Kanchipuram District, Kanchipuram.
2. The Assistant Elementary Educational Officer,
Thirukalukundram Union,
Kanchipuram District.

+5 Ccs to Mr.G.Sankaran, Advocate sr 37317.

+1 CC to Govt. Pleader sr 38153.

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TM(CO)
SP(08/05/2019)

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