



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.17894 of 2013

and

M.P. (MD) No.2 of 2013

P.Ezhilvanan

... Petitioner

-Vs-

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

2.The District Educational Officer,
Karur, Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the second respondent District Educational Officer in A.Thi.Mu.No.2201/Aa3/2013, dated 21.06.2013 and quash the same and further direct the second respondent to forthwith sanction first incentive increment to the petitioner for M.Phil Degree with effect from 18.11.1996 and confer all consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The order dated 21.06.2013, rejecting the claim of the writ petitioner for grant of third incentive increment, is under challenge in the present Writ Petition. Further relief sought for in the present Writ Petition is for a direction to direct the second respondent to pay third incentive increment to the writ petitioner.

2.The writ petitioner was appointed as Secondary Grade Assistant on 15.10.1973 and further promoted to the post of Tamil Pandit (Grade-I) on 20.02.1979. The writ petitioner acquired additional educational qualification and accordingly, he made an application for grant of incentive increment. Pursuant to which, the competent authority also sanctioned and disbursed two incentive increments for the additional qualifications acquired by the writ petitioner. However, the writ petitioner submitted further



application for grant of third incentive increment and the said application was rejected by the second respondent in proceeding dated 21.06.2013. Thus, the writ petitioner is constrained to move the present writ petition.

3.A Teacher is entitled to claim two incentive increment for possessing additional educational qualification in entire service. In other words, a Teacher is entitled to get two incentive increments in entire service. Third incentive increment is impermissible with reference to the Government Policy for granting of incentive increment to the Teachers. The said legal position with reference to the Government Policy has already been decided by the Division Bench of the Principal Seat of this Court in W.A.No.1664 of 2016, dated 29.06.2018.

4.In view of the fact that the Division Bench also settled the issue by stating that the Teacher is entitled to get two incentive increments in entire service, third incentive increment is impermissible and accordingly, there is no infirmity as such in respect of the impugned order passed by the second respondent.

5.With the above observation, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

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

2.The District Educational Officer,
Karur, Karur District.

+1CC TO MR.T.LAJAPATHI ROY, Advocate Sr. No.81616
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 81345

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SSS(CO)

TR (21.08.2019) 2P 5C