



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) No.16262 of 2014

T.Manimegalai

... Petitioner

-Vs-

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George,
Chennai-9.
2. The Director of Elementary Education,
College Road,
Nungambakkam,
Chennai-6.
3. The District Elementary Educational Officer,
Thanjavur, Thanjavur District.
4. The Assistant Elementary Educational Officer,
Pattukottai,
Pattukottai Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the third respondent in Na.Ka.No.1276/A4/2014 dated 19.05.2014 and quash the same and consequently direct the respondents to sanction the third incentive increment to the petitioner from the date of acquiring the M.Phil, Degree within a time frame.

For Petitioner

: Mr.V.Kasinatha Bharathi

For Respondents

: Mrs.S.Srimathi

Special Government Pleader

ORDER

The order of rejection rejecting the claim of the writ petitioner for grant of third incentive increment is under challenge in the present writ petition.



2. The learned counsel for the writ petitioner was working as BT Assistant in Municipality Middle School, Kandiyatheru, Pattukottai. The petitioner acquired additional educational qualification and accordingly, submitted an application for grant of incentive increment. The writ petitioner was issued with first incentive increment on 04.01.1997 and the second incentive increment on 25.05.2000. Thereafter, the writ petitioner completed the Master of Philosophy in Tamil and M.Phil degree on 20.09.2009. Thus, the writ petitioner claimed third incentive increment for possessing qualification of M.Phil degree. However, the third incentive increment was rejected. Thus the writ petitioner is constrained to move the present writ petition.

3. A teacher while in service on acquiring additional qualification is entitled to get two incentive increments and the third incentive increment is impermissible, both as per the Government Order and the decision confirmed by the Hon'ble Division Bench of this Court. The Government clarified that the third incentive cannot be granted to a teacher. A teacher is eligible to get two incentive increments through out his/her services. Thus, the claim of the writ petitioner cannot be considered.

4. The learned counsel for the writ petitioner states that the third incentive increment was granted to some other teachers. The errors, if any, committed cannot constitute cause of action for filing of writ petition and get remedy. When it is clarified by the Government that a teacher throughout his / her service is entitled to get two incentive increments and the said clarification has already been confirmed by the Hon'ble Division Bench of this Court, the erroneous sanctioning of third incentive to some other teachers cannot be followed as a wrong precedent and cannot be a ground to claim the benefit by other persons.

5. This being the principles to be followed, the rejection of the claim of the writ petitioner for grant of third incentive is in consonance with the Government order and the order confirmed by the Hon'ble Division Bench of this Court. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



ta

To

1. The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.

2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-6.

3. The District Elementary Educational Officer,
Thanjavur, Thanjavur District.

4. The Assistant Elementary Educational Officer,
Pattukottai,
Pattukottai Taluk,
Thanjavur District.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.68585

W.P. (MD) No.16262 of 2014

BUC (28/06/2019) 3P/6C