



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.12426 of 2014

K.Ramakrishnan

... Petitioner

vs.

- 1.The Secretary to Government
Government of Tamil Nadu
School Education Department
Fort St.George, Chennai-600 009
- 2.The Director of Elementary Education
Office of the Director of Elementary Education
Chennai-600 006
- 3.The District Elementary Education Officer
Office of the District Elementary Education Officer
Theni District
- 4.The Additional Assistant
Elementary Education Officer
Office of the Additional Assistant
Elementary Education Officer
Chinnamanur, Theni District
- 5.The Headmaster
Panchayat Union Middle School
Thimminaickenpatti
Chinnamanur Union
Theni 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 relating to the impugned order of the 4th respondent in Na.Ka.No.1446/A1/2014 dated 27.02.2014 and quash the same as illegal and consequently direct the respondents herein to continue to pay the third incentive increment for acquiring higher qualification of M.Phil., from 18.08.2009 on par with similarly placed B.T. Assistants as per the order dated 24.07.2013 in W.P.Nos.11082 to 11086 of 2013.



For Petitioner : Mr.K.Appadurai
For Respondents : Mrs.S.Srimathy
Special Government Pleader

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ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 27.02.2014, passed by the fourth respondent, rejecting the claim of the writ petitioner for grant of third incentive increment.

2. The writ petitioner is working as B.T.Assistant. On possessing the additional educational qualification, the writ petitioner submitted an application for incentive increment as per the Government Orders. Two incentive increments were sanctioned in favour of the writ petitioner and he is receiving two incentive increments. Thereafter, the writ petitioner submitted an application seeking third incentive increment for the additional educational qualification acquired by him. The claim of the writ petitioner was rejected by the order impugned in the present writ petition. Hence, the writ petitioner was constrained to move the present writ petition.

3. The issue with regard to grant of third incentive increment was already adjudicated by the Honourable Division Bench of this Court, vide Judgment dated 29.06.2018 in W.A.No.1664 of 2016, by stating that a Teacher is entitled to get only two incentive increments throughout the service. This Court has also passed number of orders stating that as per the Government Orders in force, the Teacher is entitled to get two incentive increments in the entire service. In the present case, admittedly, the writ petitioner is already receiving two incentive increments and therefore, he is not entitled for third incentive increment as per the Government Order in force. In such view of the matter, the impugned order, dated 27.02.2014, passed by the fourth respondent, is in consonance with the policy of the Government in the matter of grant of third incentive increment.

4. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To:

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-600 009.

2.The Director of Elementary Education,
Office of the Director of Elementary Education,
Chennai-600 006.

3.The District Elementary Education Officer,
Office of the District Elementary Education Officer,
Theni District.

4.The Additional Assistant
Elementary Education Officer,
Office of the Additional Assistant
Elementary Education Officer,
Chinnamanur, Theni District.

5.The Headmaster,
Panchayat Union Middle School,
Thimminaickenpatti,
Chinnamanur Union,
Theni District.

+1 CC to M/s.K. APPADURAI, Advocate (SR-81651[F] dated 14/08/2019)

+1 CC to M/s.SPL GP (SR-81779[F] dated 14/08/2019)

W.P. (MD) No.12426 of 2014
13.08.2019

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