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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.16919 of 2014
and
M.P.(MD) No.1 of 2014

M.Sudakar ... Petitioner

vs.

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

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

3.The Chief Educational Officer
Office of Chief Educational Officer
Virudhunagar District

4.The Chief Educational Officer
Office of Chief Educational Officer
Tirunelveli District

5.The Head Master
Government High School
S.Kallupatti-626 106
Virudhunagar ... 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 3rd respondent in Na.Ka.No.1881/A2/2014 dated 21.08.2014 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 17.12.2012 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.

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For Petitioner : Mr.K.Appadurai

For Respondents : Mrs.S.Srimathy
Special Government Pleader

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 21.08.2014, passed by the third respondent, rejecting the claim of the writ petitioner for grant of third incentive increment.

2. The writ petitioner is working as a 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 21.08.2014, passed by the third 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. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:
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School Education Department,
Government of Tamil Nadu,
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2.The Director of School Education,
Office of the Director of School Education,
Chennai-600 006.

3.The Chief Educational Officer,
Office of Chief Educational Officer,
Virudhunagar District.

4.The Chief Educational Officer,
Office of Chief Educational Officer,
Tirunelveli District.

5.The Head Master,
Government High School,
S.Kallupatti-626 106, Virudhunagar.

+1 CC to M/s.SPL GP (SR-82018[F] dated 16/08/2019)

+1 CC to M/s.K.APPADURAI, Advocate (SR-82230[F] dated 19/08/2019)

W.P.(MD) No.16919 of 2014
and
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14.08.2019

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