



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.1840 of 2014

N.Birunthavanan

... Petitioner

-Vs-

1.The District Elementary Educational Officer,
Dindigul.

2.The Assistant Elementary Educational Officer,
Natham Union, Dindigul 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 pertaining to the order passed by the second respondent in his proceedings in Oo.Mu.No.231/A1/2011, dated 17.02.2011 and to quash the same and to direct the respondents to sanction 1 set of incentive increment for M.Ed., to the petitioner and confer all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam
for M/s.C.S. Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to quash the order of rejection dated 17.02.2011, passed by the second 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 Teacher. 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 17.02.2011, passed by the second 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 District Elementary Educational Officer,
Dindigul.

2.The Assistant Elementary Educational Officer,
Natham Union, Dindigul District.

+1 CC to M/s.SPL GP (SR-82148[F] dated 19/08/2019)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-82268[F] dated 19/08/2019)

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JMN(05.09.2019) 2P : 5C

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