



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.18831 of 2014

S.Selvan

... Petitioner

vs.

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

2.The District Elementary Educational Officer
Tuticorin, Tuticorin District

3.The Assistant Elementary Educational Officer
Alwarthirunagari Union at Thenthiruperai
Tuticorin District

4.The Correspondent
St.Joseph's Primary School
Kandhasampuram
Nazareth-628 617, Tuticorin District

... Respondents

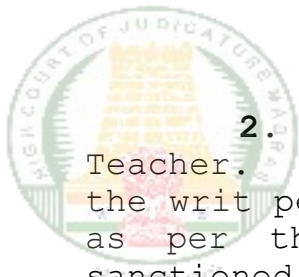
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent AEEO vide A.Thi. Mu./A3/2014 dated 06.11.2014 quash the same and further direct the respondents 1 to 3 herein forthwith to sanction the 3rd set of incentive increment to the petitioner for acquiring M.Phil., degree w.e.f. 16.12.2010.

For Petitioner : Mr.M.J.Shabu Jose

For Respondents : Mrs.S.Srimathy
Special Government Pleader for R1 to R3
No appearance for R4

O R D E R

The relief sought for in the present writ petition is to quash the order of rejection dated 06.11.2014, 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 Secondary Grade 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 06.11.2014, 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(CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

- 1.The Director of Elementary Education,
College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Tuticorin,
Tuticorin District.
- 3.The Assistant Elementary Educational Officer,
Alwarthirunagari Union at Thenthiruperai,
Tuticorin District.

<https://hcservices.ecourts.gov.in/hcservices/>



W.P.(MD) No.18831 of 2014

+1 CC to M/s.FATHER XAVIER ASSOCIATES, Advocate (SR-81852[F] dated 16/08/2019)

+1 CC to M/s.SPL GP (SR-81968[F] dated 16/08/2019)

WEB COPY

W.P. (MD) No.18831 of 2014
14.08.2019

krk

JM/29.08.2019/3P/6C