



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
W.P. (MD) Nos.213, 214, 215, and 216 of 2014

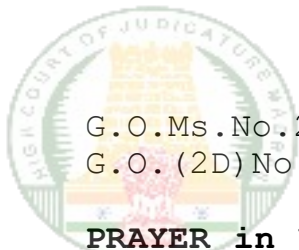
WEB COPY

S.Saravanakumar ... Petitioner in W.P.(MD)No.213 of 2014
V.Anguraj ... Petitioner in W.P.(MD)No.214 of 2014
S.John Selvaraja ... Petitioner in W.P.(MD)No.215 of 2014
R.Kannan ... Petitioner in W.P.(MD)No.216 of 2014

Vs.

- 1.The Secretary to Government,
Department of School Education,
Fort St. George,
Chennai-9.
 - 2.The Director of Elementary Education,
College Road, Chennai-6.
 - 3.The District Elementary Educational Officer,
Theni District, Theni.
 - 4.The Assistant Elementary Educational Officer,
K.Mayiladumparai Union,
Mayiladumparai Post,
Theni District.
- ... Respondents in all petitions

PRAYER in W.P. (MD) Nos.213, 214 and 215 of 2014: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 4th respondent in Na.Ka.No.500/A1/2013, dated 26.12.2013 and quash the same as illegal and consequently direct the respondents to sanction 3rd incentive increment to the petitioners for possessing M.Phil in the light of the orders of this Court in W.P.(MD)No.2528/2007, dated 20.12.2007, W.P. No. 9200/2011, dated 12.04.2011, W.P(MD) No.7291/2011, dated 05.07.2013 batch, W.P.(MD) No.11802/2013, dated 24.07.2013 and batch and in the light of G.O.Ms.No.17, School Education Department, dated 08.01.2008



G.O.Ms.No.209, School Education Department, dated 08.07.2010 and G.O.(2D)No.15, School Education Department, dated 28.03.2013.

PRAYER in W.P.(MD)No.216 of 2014: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 4th respondent in Na.Ka.No.500/A1/2013, dated 26.12.2013 and quash the same as illegal and consequently direct the respondents to sanction 3rd incentive increment to the petitioner for possessing M.Ed., in the light of the orders of this Court in W.P.(MD) No.2528/2007, dated 20.12.2007, W.P. No. 9200/2011, dated 12.04.2011, W.P(MD) No.7291/2011, dated 05.07.2013 batch, W.P.(MD) No.11802/2013, dated 24.07.2013 and batch and in the light of G.O.Ms.No.17, School Education Department, dated 08.01.2008 G.O.Ms.No.209, School Education Department, dated 08.07.2010 and G.O.(2D)No.15, School Education Department, dated 28.03.2013.

For Petitioner : Mr.C.Arul Vadivel @ Sekar
(in all petitions)

For Respondents : Mrs.S.Srimathy,
(in all petitions) Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions are to grant third incentive increment to these writ petitioners for acquiring additional educational qualifications.

2.The writ petitioners joined as Secondary Grade Teacher on 31.01.2001, 28.07.1999, 04.10.1996 and 15.09.1987 and subsequently, promoted to the post of Headmaster. The petitioners acquired additional educational qualifications and submitted an application for grant of incentive increment as per the Government Orders in force. The Government introduced a policy of granting incentive increment for acquiring additional educational qualification in order to encourage the teachers to acquire more educational qualification. The writ petitioners were already sanctioned with two incentive increment for the qualifications possessed by them. However, in respect of the other degree, the writ petitioners submitted another application for grant of third incentive increment.

3. The Division Bench of this Court held that the third incentive increment to the teachers are not permissible in accordance with the Government Orders granting incentive increment. The writ appeal in W.A.No.1664 of 2016, dated 29.06.2018 states that a Teacher is entitled to get two incentive increment in the entire



service.

4. The Government Policy also categorically enumerates that the teacher is entitled to get two incentive increment for possessing additional educational qualification. Thus, third incentive increment is impermissible with reference to the Government orders in force. This being the principles already settled, the writ petitioners are not entitled to claim third incentive increment and it is made clear that two incentive increments were already granted to these writ petitioners. Thus, no further consideration is required.

5. Accordingly, these writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

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

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

4.The Assistant Elementary Educational Officer,
K.Mayiladumparai Union,
Mayiladumparai Post,
Theni District.

+1 cc Mr.C.ARUL VADIVEL @ SEKAR ,Advocate, SR.No. 81007

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KK/SAR/03.09.2019/3P-6C/