

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 30.07.2019

CORAM:

WEB COPY

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.4234 of 2014****and****M.P. (MD) .No.1 of 2014****and****W.M.P. (MD) .No.17612 of 2017**

V.Packianathan

... Petitioner

Vs.

1. State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Secretariat, Chennai.
2. The Director of School Education,
College Road, Chennai.
3. The District Educational Officer,
Theni District.
4. Sri Krishnaier Higher Secondary School,
Rep by its Secretary,
Chinnamannur,
Theni District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in O.Mu.No.3578/A2/2013, dated nil.12.2013 and quash the same as it is illegal and in consequence to direct the respondents 1 to 3 to sanction and pay the third incentive increment to the petitioner on and from 25.08.2008 for possessing M.Phil Decree, by extending the benefit of the order in G.O.(2D) No.15, School Education (J) Department, dated 28.03.2013.

For Petitioner
For R1 to R3

: Mr.R.Suriya Narayanan
: Mrs.S.Srimathi
Special Government Pleader
: No appearance

**ORDER**

The order of rejection rejecting the claim of the writ petitioner for grant of third incentive increment is under challenge in the present writ petition.

2.The writ petitioner was appointed as B.T.Assistant(Tamil) in the fourth respondent School. The petitioner possessed the additional educational qualification and accordingly, submitted a request application for grant of incentive increment. The petitioner was subsequently, promoted to the post of B.G.Assistant in commensuration with the qualification acquired by him. Further application submitted by the writ petitioner for grant of third incentive increment was rejected by the competent authorities. Thus, the writ petitioner is constrained to move the present writ petition.

3.As per the Government Order regarding the grant of incentive increment for acquisition of additional educational qualification, a Teacher is entitled to get two incentive increments in entire service. It is made clear that even by the Division Bench of this Court in order dated 29.12.2018 in Writ Appeal No.1664 of 2016 that a Teacher is entitled to get two incentive increments in entire service and the third incentive increment is not contemplated in the policy of the Government for grant of incentive increment. When such a position is clarified by the Division Bench and the eligibility of the Teachers are crystallized by way of an order passed on 29.02.2018. The writ petitioner is also entitled to get two incentive increment. Admittedly, two incentive increment had already been sanctioned in favour of the writ petitioner and he has received the same.

4.Thus, the writ petitioner has not entitled the third incentive increment for acquiring the additional qualification. Accordingly, there is no infirmity in respect of the reasons stated in the impugned order. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)



To

1. The Secretary,
State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai.

2. The Director of School Education,
College Road,
Chennai.

3. The District Educational Officer,
Theni District.

+1 CC to Mr.R.SURIYANARAYANAN, Advocate (SR-78542[F] dated
30/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78838[F] dated
31/07/2019)

**W.P. (MD) No.4234 of 2014
and**

**M.P. (MD) .No.1 of 2014
and**

**W.M.P. (MD) .No.17612 of 2017
30.07.2019**

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