



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.16784 of 2015

S.Balasubramanian

... Petitioner

-Vs-

1.The Director of School Education,
Chennai-6.

2.The Chief Educational Officer,
Ramanathapuram District.

3.The District Educational Officer,
Ramanathapuram District.

4.The Secretary,
Rajah's Higher Secondary School,
Ramanathapuram.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's higher qualifications in the light of G.O.Ms.No.42, Education Department, dated 10.01.1969 and G.O.Ms.Nos.1023 and 1024, Education, Science of Technology Department, dated 09.12.1993 and direct the respondents to sanction the incentive increments eligible for petitioner's higher qualifications acquired by the petitioner and confer all the consequential monetary benefits.

For Petitioner : Mr.S.Arivalagan
For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents to consider the additional qualifications acquired by the writ petitioner for grant of incentive increment.

2.The learned counsel appearing on behalf of the writ petitioner states that he acquired additional qualifications and based on that submitted an application for grant of incentive increment in accordance with the Government Orders in force. However, the case of the writ petitioner was not considered.



3. It is made clear now that a teacher is entitled to get two incentive increments in entire service. However, incentive increment is to be granted strictly in accordance with the terms and conditions stipulated in the Government Orders issued for grant of incentive increments to the teachers. In this regard, this Court has also passed an order in W.P.(MD)No.5744 of 2015, dated 08.07.2019. The relevant paragraph is extracted hereunder:-

"3. Various Government Orders issued in the matter of granting incentive increments reveal that a teacher is entitled to get two set of incentive increments in entire service. The said issue was settled by the Hon'ble Division Bench of this Court, stating that a teacher is entitled to get two set of incentive increments throughout his / her service and third set of incentive increment is not contemplated under the Government Orders in force."

4. With reference to the eligibility of the writ petitioner, counter affidavit filed by the respondents provides details of the qualifications acquired by the writ petitioner, which is extracted hereunder:-

"3. The records would show that following are the qualifications of the Petitioner:-

- (a) X STD-1981
- (b) Diploma Electronics & Communication Engineering -1982-85
- (c) XI STD-1990
- (d) Vocational Instructor Training Certificate 1996-97
- (e) B (Lit)., (Tamil)-1998
- (f) M.A., (Tamil)-2001
- (g) B.Ed., -2002
- (h) Diploma in Computer Application-2011"

5. It is further stated that the writ petitioner is working as vocational teacher and G.O.Ms.No.240, Education Department, dated 18.08.2010 speaks about the required qualification for grant of incentive increments to the post of Vocational Teachers in Higher Secondary Schools. For Computer Science higher qualification is prescribed for two incentive increments. The writ petitioner is a Vocational Instructor for Computer Science as per the record. As on date, he is working as a Grade-I Technical Teacher. The increments can be paid only as per the post and the higher qualification obtained thereafter.

6. This being the factum, the writ petitioner is not entitled to claim any incentive increments based on G.O.Ms.No.42, Education Department, dated 10.01.1969 and G.O.Ms.Nos.1023 and 1024, Education, Science of Technology Department, dated 09.12.1993.

7. When it is clarified that the writ petitioner is not entitled to claim incentive increments, as he was working as Vocational Teacher, the said Government Orders are not applicable to the Vocational Instructor. Accordingly, the relief as such sought for in the present Writ Petition cannot be granted.



8. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar

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/TRUE COPY/

Sub Assistant Registrar

To

1. The Director of School Education,
Chennai-6.
2. The Chief Educational Officer,
Ramanathapuram District.
3. The District Educational Officer,
Ramanathapuram District.
4. The Secretary,
Rajah's Higher Secondary School,
Ramanathapuram.

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JM/29.07.2019/3P-5C