



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.6323 of 2015

G.Vethasigamoni Baskaran

... 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,
Alwarthirunagri Union at Thenthiruperai,
Tuticorin District.

4.The Correspondence,
TNDTA Middle School,
Meerankulam, 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 third respondent AEEO vide O.Mu.No.176/A1/2015 dated 17.02.2015 quash the same and further direct the respondents 1 to 3 herein to sanction forthwith the third set of incentive increment to the petitioner for acquiring M.Phil., degree w.e.f., 28.01.2011.

For Petitioner : Mr.A.Ajith Geethan

For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader.

For R4 : No Appearance

ORDER

The order dated 17.02.2015, rejecting the claim of the writ petitioner for grant of third incentive increment, is under challenge in the present Writ Petition. Further relief sought for in the present Writ Petition is for a direction to direct the respondents 1 to 3 to sanction forthwith the third set of incentive increment to the writ petitioner for acquiring M.Phil., degree w.e.f., 28.01.2011.

2.The writ petitioner was appointed as Secondary Grade Teacher on 05.06.1984 and further promoted to the post of Primary School Headmaster on 21.06.1989. The writ petitioner acquired additional educational qualification and accordingly, he made an application for grant of incentive increment. Pursuant to which, the competent authority also sanctioned and disbursed two incentive increments for the additional qualifications acquired by the writ



petitioner. However, the writ petitioner submitted further application for grant of third incentive increment and the said application was rejected by the third respondent in proceeding dated 17.02.2015. Thus, the writ petitioner is constrained to move the present writ petition.

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3.A Teacher is entitled to claim two incentive increment for possessing additional educational qualification in entire service. In other words, a Teacher is entitled to get two incentive increments in entire service. Third incentive increment is impermissible with reference to the Government Policy for granting of incentive increment to the Teachers. The said legal position with reference to the Government Policy has already been decided by the Division Bench of the Principal Seat of this Court in W.A.No.1664 of 2016, dated 29.06.2018.

4.In view of the fact that the Division Bench also settled the issue by stating that the Teacher is entitled to get two incentive increments in entire service, third incentive increment is impermissible and accordingly, there is no infirmity as such in respect of the impugned order passed by the second respondent.

5.With the above observation, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

Myr

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,
Alwarthirunagri Union at Thenthiruperai,
Tuticorin District.

+1 CC to M/s.SPL GP (SR-82997[F] dated 22/08/2019)

W. P. (MD) No. 6323 of 2015

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