



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.6810 of 2015

WEB COPY

A.Sathya Diraviam

... Petitioner

-Vs-

1.The District Elementary Educational Officer,
Sivagangai District.

2.The Assistant Elementary Educational Officer,
Kalayarkovil, Sivagangai 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 pertaining tot he order passed by the second respondent in his proceedings in Oo.Mu.No.1084/A2/2014 dated 05.03.2015 and quash the same, and direct the respondents to sanction third set of incentive increment for M.Phil., qualification to the petitioner and confer all the consequential benefits.

For Petitioner : Mr.V.Panner Selvam,

For M/s.C.S. Associates.

For Respondents : Mrs.S.Srimathy,

Special Government Pleader.

ORDER

The order dated 05.03.2015, 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 to sanction third set of incentive increment for M.Phil., qualification to the petitioner and confer all the consequential benefits.

2.The writ petitioner was appointed as Secondary Grade Teacher on 21.06.1999 and further promoted to the post of B.T. Assistant on 02.06.2010. 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 05.03.2015.



Thus, the writ petitioner is constrained to move the present writ petition.

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 (co)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1.The District Elementary Educational Officer,
Sivagangai District.

2.The Assistant Elementary Educational Officer,
Kalayarkovil, Sivagangai District.

+1 CC to M/s.SPL GP (SR-82995[F] dated 22/08/2019)

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