



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P (MD)No.17895 of 2013

and

M.P (MD) .No.2 of 2013

WEB COPY

A.Jakir Hussain

... Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai-600 006.

2.The District Educational Officer,
Karur,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order issued by the 2nd respondent District Educational Officer in A.Thi.Mu.No.2202/Aa3/2013, dated 21.06.2013 and quash the same and further direct the 2nd respondent to forthwith sanction 1st incentive increment to the petitioner for M.Phil Degree with effect from 28.08.2007 and confer all the consequential benefits.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mrs.S.Srimathi
Special Government Pleader

ORDER

The rejection of the third incentive increment is sought to be challenged in the present writ petition.

2.The writ petitioner joined as Secondary Grade Assistant in Pallapatti High School, Pallapatti, Karur District, on 01.02.1996. The School is a recognized an aided Private High School. The petitioner possessed the qualification of M.Sc and M.Ed Degrees in Zoology and he was received two incentive increments (4 advance increments for the additional qualification). He was promoted to the post of BT Assistant Science, on 18.03.1998 and further, promoted to the post of PG Assistant in Zoology, on 07.06.2001. Thereafter, the petitioner obtained Master of Philosophy Degree on 28.08.2007.



3. With reference to the incentive increment, the learned counsel appearing for the writ petitioner made a submission that the petitioner is entitled for incentive increment for acquiring the additional qualification.

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4. The learned Special Government Pleader appearing on behalf of the respondents made a submission that undoubtedly, the teachers are eligible to get incentive increment for possessing additional educational qualification. But, the incentive increments are regulated through various Government Orders. This apart, as per the Government Order, a Teacher is entitled to get two incentive increments, during the entire service. The Government Order provides two incentive increments to all the teachers on acquiring additional educational qualification, in accordance with the guidelines issued by the Government.

5. This Court is of the considered opinion that the grant of incentive increment is a policy decision of the Government. In order to encourage the teachers to possess additional qualification, the Government granted incentive increment and accordingly, the said incentive increments are regulated through Government Orders. The teacher is eligible to receive two incentive increments in his entire service. If two incentive increments are already granted, then the teacher is not eligible for any third incentive increment. In the present case, the petitioner has admitted that he was received two incentive increments. However, the case of the petitioner is to be verified with reference to his Service Record and if he has already received eligible incentive increments, then the same shall be informed duly to the writ petitioner. The grant of incentive increments is to be made strictly in accordance with the guidelines issued by the Government through various Government Orders. Thus, the petitioner if at all not received two incentive increments, then he is at liberty to approach the respondents.

6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar (CS)



1.The Director of School Education,
College Road,
Chennai-600 006.

2.The District Educational Officer,
Karur,
Karur District.

+1 CC to Mr.T. LAJAPATHI ROY, Advocate (SR-19282[F] dated
07/10/2020)

+1 CC to SGP (SR-19424[F] dated 08/10/2020)

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AC (CO)
KM (14.10.2020) 3P 5C