



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI
W.P. (MD)No.11827 of 2016

WEB COPY

N.Durai

... Petitioner

Vs.

1.The Director,
Adi Dravida Welfare Department,
Chepauk,
Chennai 600 005.

2.The District Adi Dravida & Tribal Welfare Officer,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to grant one set of 3rd incentive increment to the petitioner for acquiring M.Ed., by calculating the arrears from the date of his qualification of M.Ed (i.e) April 1990, in view of the order passed by the Division Bench of this Court in W.A.(MD)No. 867 of 2014, dated 18.09.2014, by considering the representations given by the petitioner, dated 21.11.2014 and 14.05.2016, within the time stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondents to grant one set of 3rd incentive increment to the petitioner for acquiring M.Ed., degree, in view of the order passed by the Division Bench of this Court in W.A.(MD)No. 867 of 2014, dated 18.09.2014, by considering the representations given by the petitioner, dated 21.11.2014 and 14.05.2016.

2.The case of the petitioner is that he joined as Secondary Grade Teacher in Government Adi Dravida Welfare Primary School, Sundarajapuram, Ramanathapuram District, in the year 1983. Subsequently, he was promoted as Tutor cum Warden on 01.07.1986 and transferred to various places. Thereafter, he was promoted as Headmaster in the year 2011. During his service, he has completed B.A., (History) in the year 1983, B.Ed., in the year 1985, M.A., (History) in the year 1987 and M.Ed., in the year 1990 and he



retired from service on 30.06.2014. While he was serving as Secondary Grade Teacher, one set of incentive increment was awarded for B.Ed., degree in the year 1985 and the second set of increment was awarded for acquiring M.A., (History), in the year 1987. Thereafter, the petitioner acquired M.Ed., in the year 1985. Therefore, he requested for the third set of incentive increment. However, the same was not granted. Hence, the petitioner has approached this Court by filing this writ petition with the aforesaid prayer.

3.The learned counsel appearing for the petitioner would submit that though the two incentive increments were awarded to the petitioner for acquiring higher qualifications, the third incentive increment was not awarded to him. Hence, this Court may issue a direction to the respondents to award third incentive increment to the petitioner, for acquiring M.Ed., degree.

4.The learned Additional Government Pleader appearing for the respondents would submit that as per G.O.(1D).No.18, Education (E2) Department, dated 18.01.2013, second increment shall be sanctioned subject to the condition that maximum number of two incentive increments shall be admissible to a teacher in his entire service period. He would further submit that contrary to the above said G.O., the prayer sought for by the petitioner cannot be considered.

5.Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the year 1983 and retired from service in the year 2014. While he was serving as Secondary Grade Teacher, one set of incentive increment was awarded for B.Ed., degree in the year 1985 and the second set of increment was awarded for acquiring M.A., (History), in the year 1987. As per G.O.(1D). No.18, Education (E2) Department, dated 18.01.2013, two incentive increments shall be admissible to a teacher in his entire service period and contrary to the above said G.O., the prayer sought for by the petitioner cannot be granted. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2021

Sub Assistant Registrar(CS)

Akv



To

1.The Director,
Adi Dravida Welfare Department,
Chepauk,
Chennai 600 005.

2.The District Adi Dravida & Tribal Welfare Officer,
Sivagangai District,
Sivagangai.

+1 CC to M/s.SPL GP (SR-6983[F] dated 24/02/2021)

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