



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.03.2021

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**  
**W.P. (MD)No.21676 of 2017**

WEB COPY

S.Raguraman

... Petitioner

Vs.

1.The Principal Secretary to Government,  
School Education Department,  
Secretariat,  
Chennai-600 009.

2.The Director of School Education,  
DMS Complex,  
College Road,  
Chennai-600 006.

3.The Chief Educational Officer,  
Education Department,  
Theni District-625 531  
Theni

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent, ie., the Principal Secretary to Government, School Education Department, Chennai, to sanction the third incentive increment for acquisition of the petitioners M.Ed., Degree on 26.05.1999 and to send revised pension proposals to the Accountant General, Chennai, within a specified time frame that may be fixed by this Court.

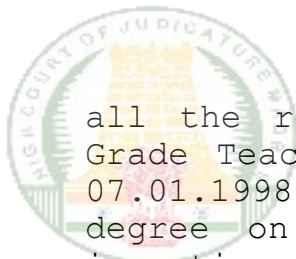
For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.C.M.Marichelliah Prabhu  
Additional Government Pleader

**ORDER**

This writ petition has been for a direction to the first respondent, to sanction the third incentive increment for acquisition of the petitioners M.Ed., Degree, on 26.05.1999 and to send revised pension proposals to the Accountant General, Chennai.

2.The case of the petitioners is that he was working as BT Assistant in the Government Higher Secondary School and after rendering several years of service, he was retired from service on 31.12.2005 on attaining the age of superannuation and he received



all the retirement benefits. While he was serving as Secondary Grade Teacher, he was promoted as BT Assistant and joined duty on 07.01.1998. After getting promotion, the petitioner acquired M.Ed., degree on 26.05.1999. However, the petitioner was not received incentive increment for the above degree. While so, as per G.O.Ms.No.1023, dated 09.12.1993, the maximum number of advance increments admissible to the Teacher for obtaining higher qualification shall be four only. Further, the petitioner has averred that the judgment of the Division Bench of this Court in W.A (MD)No.867 of 2014, dated 18.09.2014, held that a person can claim third incentive for M.Ed., qualification, even after retirement. In order to avail such benefit, the petitioner has made a representation to the respondents. So far no order has been passed. Hence, the present writ petition is filed.

3.The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation, dated 18.02.2015 in accordance with law.

4.The learned Additional Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.18, dated 18.01.2013, the Teachers, who have completed M.Ed., or M.Phil., or P.hd., are entitled only two incentive increment. Hence, he prays for dismissal of the present Writ Petition.

5.The facts in the present case are not in dispute. Admittedly, the petitioner was entered into service in the year 1998 and subsequently, retired from service in the year 2005. After a lapse of 15 years, the petitioner has filed the present writ petition seeking third incentive increment and in the meantime, the State Government has issued G.O.Ms.No.18, dated 18.01.2013 indicating that the teachers, who have completed M.Ed., or M.Phil., or P.hd., are entitled only two incentive increment. Hence, the prayer sought for in the writ petitioner is misconceived. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

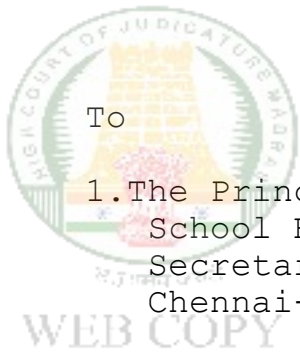
Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

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+1 CC to M/s.SPL GP ( SR-9478[F] dated 08/03/2021 )

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