



W.A.Nos.622 of 2015 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Writ Appeal No.622 of 2015 & MP No.1 of 2015
Writ Appeal (MD) Nos.314, 1137, 34, 664, 77, 126 of 2015
and MP (MD) Nos. 1, 1, 1, 1, 1, & 1 of 2015
Writ Appeal (MD) No.309 of 2016 & CMP No.1763 of 2016
Writ Appeal (MD) No.256 of 2016 & CMP Nos.1343 of 2016

1. The Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai 600 009.

2. The Director of School Education,
College Road,
Nungambakkam, Chennai 600 006.

3. The Chief Educational Officer,
Vellore, Vellore District.

4. The District Educational Officer,
Vellore, Vellore District.

..Appellants 1 to 4 in WA No.622/15

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai.



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2. The Director of Elementary Education,
College Road, Chennai 6.

3. The District Elementary Educational Officer,
O/o. The District Elementary Educational Office,
Tirunelveli, Tirunelveli District.

4. The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Office,
Melaneelithanallur, Tirunelveli District.

..Appellants 1 to 4 in WA (MD) No. 314/15

The District Educational Officer,
Devakottai,
Sivagangai District.

..Appellant in WA (MD)No.1137/15

1. The Secretary to Government,
School Education,
Fort St. George, Chennai 9.

2. The Director of School Education,
College Road, Chennai 6.

3. The Chief Educational Officer,
Melur Educational District,
Melur, Madurai District.

4. The Headmaster,
Government High School,
Pallapatti, Melur Taluk,
Madurai District.

..Appellants 1 to 4 in WA (MD) No. 34/15



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1. The Government of Tamil Nadu,
Rep. by its Secretary,
Department of Education,
Fort St. George, Chennai 9.
2. The Director of School Education,
College Road, Chennai 6.
3. The District Educational Officer,
Tenkasi ..Appellants 1 to 3 in WA (MD) No.664/15

1. The Secretary to Government,
School Education,
Fort St. George, Chennai 9.
2. The Director of School Education,
College Road, Chennai 6.
3. The District Educational Officer,
Musiri Educational District,
Musiri, Trichy District.
4. The Secretary
Zamindar Higher Secondary School,
Kattuputhur, Thottiyam Taluk,
Trichy District. ..Appellants 1 to 4 in WA (MD) No. 77/15

1. The District Elementary Educational Officer,
Theni District
2. The Assistant Elementary Educational Officer,
Andipatti,
Theni District. ..Appellants 1 & 2 in WA (MD) No. 126/15



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1. The District Educational Officer,
Melur, Madurai District

2. The Head Master,
Government Boys Higher Secondary School,
Y.Othakadai, Madurai District.

..Appellants 1 & 2 in WA (MD) No.309/16

1. The Director of School Education,
Chennai 6.

2. The District Educational Officer,
Devakottai,
Sivagangai District.

..Appellants 1 & 2 in WA (MD) No.256/16

Vs.

D.Barathi

.. Respondent in WA No.622 of 2015

M.Michael Raj

.. Respondent in WA (MD) No.314 of 2015

1. V.Pernadsamy

2. The Correspondent,
R.C.High School,
Keela Utchani,
Sivagangai District.

.. Respondents in WA (MD) No.1137 of 2015

S.Murugesan

.. Respondent in WA (MD) No.34 of 2015



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1. A. Ganesan

2. The Correspondent,
A.V.S. High School,
Pulingudi,
Tirunelveli District.

.. Respondents in WA (MD) No.664 of 2015

P.Arumugam

.. Respondent in WA (MD) No.77 of 2015

K.Seeniammal

.. Respondent in WA (MD) No.126 of 2015

S.Joseph

.. Respondent in WA (MD) No.309 of 2016

K.Rajadurai

.. Respondent in WA (MD) No.256 of 2016

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court (i) dated 24.09.2014 passed in W.P.No.26107 of 2014, (ii) dated 18.02.2015 in WP (MD) No.2100 of 2015 (iii) dated 23.04.2015 in WP (MD) No.6504 of 2015 (iv) dated 17.10.2014 in WP (MD) No.17022 of 2014 (v) dated 26.11.2014 in WP (MD) No.17379 of 2014 (vi) dated 17.10.2014 in WP (MD) No.17025 of 2014 (vii) dated 07.11.2014 in WP (MD) No.7595 of 2012 (viii) dated 21.08.2015 in WP (MD) No.14651 of 2015 (ix) dated 24.11.2015 in WP (MD) No.20389 of 2015 respectively.

For Appellants : Mrs. S.Mythreye Chandru
(in all the Appeals) Special Govt. Pleader (Edn.)



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For Respondents : Mr.V.Kasinatha Bharathi,
in WA No.622 of 2015

Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
in WA (MD) No.314 of 2015

Mr.V.Paneerselvam
for M/s. C.S.Associates
in WA (MD) No.1137 of 2015

Mr.C.Arulvadivel @ Sekar
in WA (MD) No.34, 77 of 2015

Mr.S. Chellapandian
in WA (MD) No.664 of 2015

Mr.C.Jeganathan
in WA (MD) No.126 of 2015

Mr.V.Paneerselvam
in WA (MD) No.309 of 2016

Mr.V.Paneerselvam
for M/s. C.S.Associates
in WA (MD) No.256 of 2016

COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The Writ Appeals have been posted upon a reference being
answered by a Full Bench of this Court in WA No.3674 of 2019 etc. batch



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dated 29.04.2022. A reference was made to a Full Bench in view of the conflict between two Division Bench judgments of this Court, one in WA (MD) Nos.701 and 769 of 2015 etc., dated 15.07.2015 (***The Director of School Education and others v. S.Amalraj***) holding that a teacher is entitled to a third set of incentive increment on account of acquiring higher qualification and the other in WA No.1664 of 2016 dated 29.06.2018 (***The Director of School Education and others v. V.Dhanapal***) taking a contrary view and concluding that a teacher, during the entire tenure of service, would be entitled to only two sets of incentive increments and nothing more.

2. Upon a reference being made, the Full Bench had answered the issue concluding that the judgment of the Division Bench in WA. No.1664 of 2016 dated 29.06.2018 reflects the correct position of law. After considering the various Government Orders issued on the subject, the Full Bench had observed as follows:

“12. A perusal of the above order puts the issue beyond pale of doubt that as per the policy of the Government, a teacher for the entire period of his/her service shall be granted two incentives (four



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increments) only. Therefore, there cannot be any dispute regarding the fact that a Secondary Grade Teacher or B.T.Assistant or Post Graduate Teacher during the entire period of service as a teacher, is entitled to get only two incentive increments. Taking note of the same only, the Division Bench in W.A.No.1664 of 2016 dated 29.06.2018 (The Director of School Education and others v. V.Dhanapal) has categorically held that the acquisition of an M.Phil. qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.No.1024, Education, Science and Technology Department, dated 09.12.1993 restricting the number of incentive increments to two and therefore, any teacher is not entitled to a third incentive increment.”

3. An attempt is made by Mr.Sasidharan and Mr.Ganesan, appearing for some of the teachers to contend that those teachers who have obtained the additional qualification prior to 09.12.1993, namely the date on



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which G.O.Ms.Nos.1023 and 1024 came to be issued would be entitled to incentive increments, since the number of increments was limited only by the said two Government Orders. We are unable to accept the said contention of the learned counsel appearing for some of the respondents because the Full Bench has categorically held that any teacher during the entire period of his/her tenure would be entitled only to two sets of incentive increments.

4. In view of the categorical pronouncement of the Full Bench extracted above, we cannot take any other view. Hence the Writ Appeals filed by the Government will stand allowed and the Writ Petitions will stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K.KUMARESH BABU, J.)
10.10.2022

Index: Yes/No
Internet: Yes/No
speaking order/non speaking order
jv



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O/o. The District Elementary Educational Office,
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O/o. The Assistant Elementary Educational Office,
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Devakottai,
Sivagangai District.
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Musiri Educational District,
Musiri, Trichy District.
12. The Secretary
Zamindar Higher Secondary School,
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R.SUBRAMANIAN, J.

and

K.KUMARESH BABU, J.

(jv)

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