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W.P.Nos.1464 & 1465 of 2015

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 Petition Nos.1464 & 1465 of 2015
and WP No.1 of 2015 in WP No.1465 of 2015

V. Kamaraj ..Petitioner in WP No.1464 of 2015

M. Panneerselvam ..Petitioner in WP No.1465 of 2015

Vs.

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

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

.. Respondents 1&2 in
both the petitions

3. The District Educational Officer,
Thiruvaru, Thiruvarur District.

4. The Headmaster,
National Higher Secondary School,
Mannargudi 614 001.
Thiruvarur District.

.. Respondent 3 & 4 in WP 1464/15

3. The District Educational Officer,
North Chennai, Egmore, Chennai 8.



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4. The Headmaster,
T.T.V.Higher Secondary School,
New No.199, Mint Street,
Sowcarpet, Chennai – 600 079

.. Respondent 3 & 4 in WP 1465/15

Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking

(i)WP No.1464/2015: to issue a Writ of Mandamus, directing the first respondent to sanction incentive increments for acquiring M.Phil qualification by extending the benefits of the GO Ms.Nos.209 and 15 School Education Department dated 08.07.2010 and 28.03.2013 respectively to the petitioner.

(ii)WP No.1465/2015: to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in Na.Ka.No.5243/A3/2014 dated 29.12.2014 and quash the same and direct the respondents 1 to 3 to sanction incentive increments for acquiring M.Phil qualification in the cadre of PG Assistant by extending the benefits of the GO Ms.Nos.209 and 15 School Education Department dated 08.07.2010 and 28.03.2013 respectively by the first respondent to the petitioner.

For Petitioner : Mr.S.Kamadevan
(in both the petitions)

For Respondents : Mrs.S.Mythreye Chandru
(in both the petitions) Spl. Govt. Pleader, for RR 1 to 3

No appearance for R4



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COMMON ORDER

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

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



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Bench had observed as follows:

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“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 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.”



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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 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 Petitions filed by the petitioners in both the petitions seeking incentive increments will stand dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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

jv



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Index: Yes/no

Internet: Yes/no

speaking order/non speaking order

To

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