



W.P.No.15366 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.15366 of 2010

M. Devanathan

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for all the records relating to the impugned order of the first respondent in Na.Ka.No.61080/K/E1/09 dated 16.11.2009 and quash the same and direct the respondents to sanction one incentive increment for passing M.Ed., degree examination with effect from 03.01.1990 and grant him all consequential benefits.

For Petitioner : Mr.P. Rajendran

For Respondents : Mr.C.Sathish,
Government Advocate



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ORDER

Prior to 1993, the teachers who had acquired higher educational qualifications were entitled for three incentive increments. By G.O.Ms.No.1024 dated 09.12.1993, the maximum number of incentive increments were restricted to two, which is equivalent to four advance increments.

2. When one of the teachers who claimed the third incentive increments had approached this Court, the Hon'ble Division Bench through its order dated 29.06.2018 passed in W.A.No.1664 of 2016, had held that the claim of the third incentive increments cannot be as a matter of right and that the teacher is not entitled for the same. Another Hon'ble Division Bench of this Court in their order passed in W.A.(MD).No.867 of 2014 and W.A.(MD).Nos.701 & 769 of 2015 etc., dated 18.09.2014 and 15.07.2015 respectively, had taken a contrary view that though there was a restriction through G.O.Ms.No.1023, the teacher would be entitled for the third incentive increments. When these two contradictory views were referred to a Full Bench in W.A.Nos.3674 of 2019 etc., the Hon'ble Full Bench vide its



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order dated 29.04.2022 held that the view of the Hon'ble Division Bench in W.A.No.1664 of 2016 dated 29.06.2018 that a teacher shall be granted only with two incentive increments, equivalent to four advance increments, for the entire period of his/her service, holds good and that the contrary view taken in W.A.(MD).No.867 of 2014 dated 18.09.2014 and W.A.(MD).Nos.701 & 769 of 2015 etc., dated 15.07.2015, are not good law. In other words, the findings of the Hon'ble Full Bench was to the effect that the Government teachers would be entitled for the two incentive increments, equivalent to four advance increments.

3. In the instant case, the petitioner claims the third incentive increments on the ground that he had acquired higher educational qualifications, prior to G.O.Ms.No.1024 dated 09.12.1993.

4. In view of the decision rendered by the Hon'ble Full Bench that such a teacher would be dis-entitled from the third incentive increments in view of G.O.Ms.No.1024 dated 09.12.1993, the claim of the petitioner herein cannot be sustained.



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M.S.RAMESH,J.

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5. Accordingly, the Writ Petition stands dismissed. No costs.

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Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

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To

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College Road, Chennai – 600 006.

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

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