



WEB COPY



W.A.No.1760 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Appeal No.1760 of 2018
and CMP No.14134 of 2018

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

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

3. The Chief Educational Officer,
Namakkal.

4. The Hadmistress Govt. Girls Hr. Sec. School,
Kalappanaickenpatty,
Namakkal District.

.. Appellants/Respondents

Vs.

E. Rajeswaran
PG Assistant (Maths)
Govt. Girls Hr. Sec. School,
Kalappanaickenpatty 637 404,
Namakkal District.

.. Respondent/Petitioner



W.A.No.1760 of 2018

WEB COPY

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court in W.P. No.34060 of 2013 dated 17.12.2013.

For Appellants : Mr.Abishekmurthy
Government Advocate

For Respondent : Mr.B.Ravi

J U D G M E N T

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

The Appeal is by the Government questioning a direction by the Writ Court to grant advance increments for acquiring Higher Educational Qualification by the teachers. 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.



WEB COPY



W.A.No.1760 of 2018

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 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.



W.A.No.1760 of 2018

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

(R.SUBRAMANIAN, J.) (R.N.MANJULA, J.)
14.12.2022

Index: No
Internet: Yes
Speaking order
jv



W.A.No.1760 of 2018

WEB COPY

To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Namakkal.
4. The Hadmistress Govt. Girls Hr. Sec. School,
Kalappanaickenpatty,
Namakkal District.



WEB COPY



W.A.No.1760 of 2018

R.SUBRAMANIAN, J.

and

R.N.MANJULA, J.

(jv)

Writ Appeal No.1760 of 2018
and CMP No.14134 of 2018

14.12.2022