



W.P.Nos.39808 to 39818 of 2016

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.39808 to 39818 of 2016

WP No.39808 of 2016

R.Jeevarathinaraju

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of Ele. Education,
College Road,
Nungambakkam, Chennai 600 006.
3. The District Elementary Educational Officer,
Vellore, Vellore District.
4. The Assistant Elementary Educational Officer,
Shollingar, Vellore District.

WP No.39809 of 2016

R.Arokiasamy

Vs.



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1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.

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

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

4. The District Educational Officer,
Kallakurichi, Villupuram District.

WP No.39810 of 2016

V.Dhass

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.

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

3. The Assistant Elementary Educational Officer,
Vandavasi, Thiruvannamalai District.



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WP Nos.39811, 39812 & 39813 of 2016

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B. Palani

..Petitioner in WP No.39811 of 2016

L.Danalakshmi

..Petitioner in WP No.39812 of 2016

M.Venkatesan

..Petitioner in WP No.39813 of 2016

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Vellore, Vellore District.

WP Nos. 39814, 39815 of 2016

V.Lakshmi Samethan

..Petitioner in WP No.39814 of 2016

V.Manoharan

..Petitioner in WP No.39815 of 2016

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of Elementary Education,
College Road, Nungambakkam, Chennai 600 006.



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3. The Chief Elementary Educational Officer,
Coimbatore, Coimbatore District.

WP No. 39816 of 2016

P. Krishnan

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District.

WP No. 39817 of 2016

G.Gunasekaran

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Villupuram, Villupuram District.



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WP No. 39818 of 2016

K.Krishnan

Vs.

1. The Government of Tamilnadu
Rep. by Secretary to Government
School Education Department,
Secretariat, Chennai 600 009.
2. The Director of School Education,
College Road,
Nungambakkam, Chennai 600 006.
3. The Chief Educational Officer,
Kanchipuram District.

Prayer: Writ Petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the respondents to sanction (i) third incentive increment for acquiring M.Ed., Degree in the year May 1996 (ii) third incentive increment for acquiring M.Ed., Degree in the year April 1990 (iii) third incentive increment for acquiring M.Ed., Degree in the year Feb. 1993 (iv) third incentive increment for acquiring M.Phil., Degree in the year May 2009 (v) third incentive increment for acquiring M.Phil., Degree in the year 1997 (vi) third incentive increment for acquiring M.Phil., Degree in the year May 2008 (vii) third incentive increment for acquiring M.Ed., Degree in the year Dec. 1992 (viii) third incentive increment for acquiring M.Ed., Degree in the year 1989 (ix) third incentive increment for acquiring M.Ed., Degree in the year Dec. 1989 (x) third incentive increment for acquiring M.Ed., Degree in the year May 1994 (xi) third incentive



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increment for acquiring M.Ed., Degree in the year June 1991 respectively to the petitioner and settle all the consequential monetary benefits payable to the petitioner within a stipulated time as fixed by this Court.

For Petitioners : Mr.V.Thirupathi
(in all the petitions)

For Respondents : Mrs.S.Mythreye Chandru
(in all the petitions) Special Govt. Pleader,

COMMON ORDER

(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.

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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. 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 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.



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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 all the petitions seeking incentive increments will stand dismissed. There shall be no order as to costs.

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

10.10.2022

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

To

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5. The Chief Educational Officer,
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6. The District Educational Officer,
Kallakurichi, Villupuram District.
7. The Director of Elementary School Education,
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Nungambakkam, Chennai 600 006.
8. The Assistant Elementary Educational Officer,
Vandavasi, Thiruvannamalai District.
9. The Chief Educational Officer,
Vellore, Vellore District.
10. The Chief Elementary Educational Officer,
Coimbatore, Coimbatore District.
11. The Chief Educational Officer,
Thiruvannamalai, Thiruvannamalai District.
12. The Chief Educational Officer,
Villupuram, Villupuram District.
13. The Chief Educational Officer,
Kanchipuram District.



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R.SUBRAMANIAN, J.

and

K.KUMARESH BABU, J.

(jv)

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