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W.A.Nos.1074 of 2013 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 (MD) No.1074 of 2013 & MP No.1 of 2013

Writ Appeal (MD) Nos.1166 to 1170 of 2013

and MP (MD) Nos. 1 & 2 of 2015

1. The Directorate of Elementary Education,
College Road, DPI Compound,
Chennai 6.
 2. The District Elementary Educational Officer,
Tirunelveli.
 3. The Assistant Elementary Educational Officer,
Kadayanallur, Tirunelveli District.
- ..Appellants 1 to 4 in WA (MD)No.1074/13

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai.
 2. The District of School Education,
College Road, Chennai 6.
 3. The District Educational Officer,
Madurai Educational District,
Tallakulam, Madurai.
- .. Appellants 1 to 3 in WA (MD)
Nos.1166 to 1170/13



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Vs.

1. S.S.AL.Ameen

2. The Manager,
Hidhayathul Islam Primary School,
Kadayanallur,
Tirunelveli District.

.. Respondents 1 & 2 in WA (MD) No.1074/2013

1. K.Nagasubramanian

.. 1st Respondent in WA (MD) No.1166/2013

2. The Correspondent,
Sounrashtra Higher Secondary School,
110, Kamarajar Salai, Madurai 9.

.. 2nd Respondent in WA (MD) No.1166 to 1170/2013

S.Bala Ayyappan

.. 1st Respondent in WA (MD) No.1167/2013

K.Sundaraja Pandian

.. 1st Respondent in WA (MD) No.1168/2013

P.M.Srinivasan

.. 1st Respondent in WA (MD)

No.1169/2013

V.V.Sundaramoorthy

.. 1st Respondent in WA (MD)

No.1170/2013

Prayer: Writ Appeals filed under Clause 15 of Letters Patent, against the order passed by this Court (i) dated 22.03.2013 passed in W.P.(MD)



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No.2117 of 2011, (ii) dated 24.07.2013 in WP (MD) No.11802 of 2013 (iii) dated 24.07.2013 in WP (MD) No.11803 of 2013 (iv) dated 24.07.2013 in WP (MD) No.11804 of 2013 (v) dated 24.07.2013 in WP (MD) No.11805 of 2013 (vi) dated 24.07.2013 in WP (MD) No.11806 of 2013 respectively.

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

For Respondents : Mr.M.Mohanasundaram, for R1
in WA No.1074 of 2013

: Mr.C.Arul Vadivel @ Sekar, for R1
in WA Nos.1166 to 1170 of 2013

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 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



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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 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



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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



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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 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

To

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,



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Vellore, Vellore District.

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4. The District Educational Officer,
Vellore, Vellore District.
5. The District Elementary Educational Officer,
O/o. The District Elementary Educational Office,
Tirunelveli, Tirunelveli District.
6. The Assistant Elementary Educational Officer,
O/o. The Assistant Elementary Educational Office,
Melaneelithanallur, Tirunelveli District.
7. The District Educational Officer,
Devakottai,
Sivagangai District.
8. The Chief Educational Officer,
Melur Educational District,
Melur, Madurai District.
9. The Headmaster,
Government High School,
Pallapatti, Melur Taluk,
Madurai District.
10. The District Educational Officer,
Tenkasi.
11. The District Educational Officer,
Musiri Educational District,
Musiri, Trichy District.
12. The Secretary
Zamindar Higher Secondary School,
Kattuputhur, Thottiyam Taluk,



Trichy District.

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13. The District Elementary Educational Officer,
Theni District
14. The Assistant Elementary Educational Officer,
Andipatti,
Theni District.
15. The District Educational Officer,
Melur, Madurai District
16. The Head Master,
Government Boys Higher Secondary School,
Y.Othakadai, Madurai District.
17. The District Educational Officer,
Devakottai,
Sivagangai District.



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and

K.KUMARESH BABU, J.

(jv)

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