



W.A(MD)Nos.781 to 791 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.A(MD)Nos.781 to 791 of 2016

and

C.M.P(MD)Nos.4775 to 4785 of 2016

W.A(MD)No.781 of 2016:

01.The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.

02.The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam,
Chennai – 600 006.

03.The District Elementary Educational Officer,
Madurai District,
Madurai.

04.The Assistant Elementary Educational Officer,
Madurai North,
Madurai.

... Appellants/Respondents 1 to 4

Vs.

01.P.Ganesan ... Respondent/Writ Petitioner

02.Veeramamunivar Vidyasala Middle School,
Rep. by its Correspondent,
No.2A, Kanagavel Colony,
Madurai.

.... Respondent/5th Respondent



WA(MD)Nos.781 to 791 of 2016

PRAYER: Appeals filed under Clause 15 of the Letters Patent, against the order dated 21.01.2016 passed in W.P(MD)No.1245 of 2016.

For Appellant : Mr.D.Sasikumar,
Additional Government
Pleader
For R-1 : Mr.M.Saravanan
For R-2 : No Appearance

COMMON JUDGMENT

J. NISHA BANU, J.
AND
N. ANAND VENKATESH, J.

The subject matter of challenge in all these Writ Appeals pertains to incentive increment claimed by the writ petitioners for acquiring higher qualification. All the writ petitions were allowed and the matter was remanded back to the concerned District Elementary Officer to pass fresh orders in the light of the order passed in W.P.No.7381 of 2007, dated 13.10.2014.

2. Heard Mr.D.Sasikumar, learned Additional Government Pleader for the appellants and Mr.M.Saravanan, learned counsel for the first respondent in all the writ appeals.



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3. The issue that is involved in these Writ Appeals is squarely covered by the earlier order passed in W.A(MD)Nos.895 of 2013 and 336, 874 and 1190 of 2016, dated 05.03.2018. For proper appreciation, the relevant portions of the order dated 05.03.2018, is extracted hereunder:

“3.The reason for refusing the incentive increment is on ground that the writ petitioners when they were appointed had given an undertaking that they will not claim incentive increment when they acquire higher qualification.

*4.Similar issue was considered by the Division Bench in the case of **State of Tamil Nadu v. Louis** in **W.A.(MD)No.511 of 2011 dated 27.06.2011**. After considering the objections raised by the Government, which is similar to objections raised in these appeals, the Court pointed out that the respondent therein, had acquired higher qualification M.Sc., and M.Ed., and acquiring higher education will not prevent the writ petitioners from claiming the incentive increment for higher qualification. Therefore, the order passed by the writ Court, granting relief to the teacher was affirmed and the appeal filed by the State was dismissed. The State preferred a special leave petition before the Hon'ble Supreme Court in Slp.C.C.No.13056 of 2014,*



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*which was dismissed by an order dated 25.08.2014. It is seen that the judgment rendered by the Division Bench has been implemented by the Government in G.O.Ms.No. (3d) No.13 School Education Department, dated 06.02.2015. The writ Court, took into consideration, the decision of the Division Bench in the case of **Premkumari v. State of Tamil Nadu (2008 (5) MLJ 1349)**, while granting relief to the writ petitioners.”*

4. In the light of the above, we do not find any merits in the appeals filed by the State and accordingly, all the Writ Appeals are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B.,J.] & [N.A.V.,J.]

21.09.2022

Index : Yes/No

Internet : Yes/No

pm



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COMMON JUDGMENT MADE IN
W.A(MD)Nos.781 to 791 of 2016

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