



W.P.No.24075 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.24075 of 2011

C.H.Buchaiah

.. Petitioner

Versus

1. Chief Educational Officer,
Chennai.
2. District Educational Officer,
South Chennai,
Chennai - 8.
3. Headmaster,
Kesari Higher Secondary School,
T.Nagar, Chennai - 17.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records relating to the order passed in Na.Ka.No.4491/ A2 / 11, dated 25.07.2011 passed by the 2nd respondent and quash the same and direct the respondents to sanction the incentive increment for M.Phil qualification to the petitioner.



WEB COPY



W.P.No.24075 of 2011

For Petitioner : Mr.S.Thendral
for M/s.C.S.Associates

For Respondents : Mr.T.K.Saravanan,
Government Advocate
for RR-1 and 2

: R3 - No Appearance

ORDER

This petition is filed with a grievance that the petitioner was not granted third incentive for completion of M.Phil Degree.

2. The issue has now been settled by this Court by the Hon'ble Full Bench by the judgment, dated 29.04.2022 in W.A.Nos.3674 of 2019 etc., (batch cases). The operative portion reads thus :-

" 13. In the light of the above, we are of the considered opinion that the view taken by the Division Bench in W.A.No.1664 of 2016 dated 29.06.2018 (The Director of School Education and others v. V.Dhanapal) 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 the view taken by the Division Bench in W.A.(MD) Nos.701 and 769 of 2015 etc., dated 15.07.2015 (The Director of School Education and others v. S.Amalraj) and the view taken by another Division Bench in W.A.(MD) No.867 of 2014 dated 18.09.2014 (The Director of School Education and another v. N.Balasoundari and another) that a teacher is entitled to the third set of incentive increment, **cannot be said to be a good law**. We answer the reference accordingly.



WEB COPY



W.P.No.24075 of 2011

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.24075 of 2011

30.11.2023