



WEB COPY



W.A.No.1817 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2023

CORAM :

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1817 of 2018
and C.M.P.No.14635 of 2018**

1. The Secretary to Government,
School Education Department,
Fort, St. George, Chennai – 9.

2. The Director of School Education,
College Road, Chennai – 6.

3. The District Educational Officer,
Cheranmahadevi at Tirunelveli.

... Appellants

-Vs-

1. Tmt.K.Subbulakshmi
C/o.P.Sankara Subramanian.

2. The Secretary,
Theerthapathy Aided Higher Secondary School,
Ambasamudraam – 627 401.
Tirunelveli District.

... Respondents

Prayer : Writ Appeal filed under Clause 15 of the Letter Patent, to set aside the order dated 11.08.2014 made in W.P.No.21514 of 2014.



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For Appellants : Mr.Vadivelu Dheenadayalan
Additional Government Pleader

For Respondents : Not ready in notice.

JUDGMENT

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra-court appeal has been directed against the order passed by the Writ Court dated 11.08.2014 made in W.P.No.21514 of 2014.

2. In the said order dated 11.08.2014, the third incentive increment sought for by the writ petitioner/first respondent for having acquired higher qualification was allowed by the learned Single Judge. Aggrieved over the same, the present appeal has been directed.

3. In this regard, it is to be noted that, whether the Teacher is entitled to get third incentive increment was the question that was posed before a Full Bench of this Court, where it has been held that the teacher is not entitled to get any third incentive increment and based on which, several cases were disposed of.

4. One such writ appeal in W.A.No.3603 of 2019 came to be considered



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by a Division Bench, where one of us (RSKJ) is a party in the case of ***The***

Director of School Education Vs. K.Sudhakar, where by judgment dated

29.08.2023, the Division Bench has passed the following order:

“2. It is submitted that the issue involved in this appeal is no longer res integra since the Full Bench of this Court had already upheld the Division Bench judgment made in W.A.1664 of 2016 dated 29.06.2018 which had held that the teacher would be entitled to only two incentive increments.

3. Admittedly, in this case the respondent herein had already been granted two incentive increments for possessing higher qualification viz., B.Lit. B.Ed. and M.A. Degree. Even in the affidavit filed in support of the writ petition, he has admittedly sought for the third incentive increment for possessing M.Phil degree.

4. In view of the admitted fact that the respondent had only sought for third incentive increment, which he is not entitled, in view of the Full Bench judgment of this Court dated 29.04.2022 made in W.A.No.3674 of 2022 etc. batch, the order passed by the learned Single Judge would have to be necessarily set aside.

5. In fine, the Writ Appeal is allowed and the order passed



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by the learned Single Judge dated 26.02.2014 is set aside.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

5. Since the issue has already been covered by virtue of the law having been declared by the Full Bench of this Court, which has been consistently followed in number of cases, we are inclined to allow this writ appeal and accordingly, this writ appeal is allowed by setting aside the order passed by the Writ Court. No costs. Connected miscellaneous petition is closed.

(G.A.M.,J.)

(R.S.K.,J.)

22.12.2023

Index : Yes/No

Speaking Order/Non-speaking order

Neutral Citation : Yes/No

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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

mp

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