



W.P.No.7617 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM:

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.7617 of 2015

S.Dhakshnamurthy

...Petitioner

Vs

1. Government of Tamil Nadu
Rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tiruvannamalai District,
Thiruvannamalai.
4. The District Educational Officer,
Tiruvannamalai District,
Thiruvannamalai.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to to issue a writ of certiorarified mandamus, directing the respondents to grant the incentive increments to the petitioner for acquiring M.Phil qualification from June 2008 and to grant arrears of salary and then fix the last drawn pay for calculation of pensionary benefits and to grant arrears of pension with pensionary benefits



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For petitioner : Mr.R.Saseetharan
For respondents : Ms.M.Jayanthy
Addl. Government Pleader

ORDER

This writ petition is filed seeking a direction to the respondents to grant incentive increments to the petitioner for acquiring M.Phil qualifications in the month of June 2008 and to grant consequential arrears.

2. The case in brief as per the affidavit enclosed in this writ petition is as follows:

2.1. The petitioner was appointed as a single part time Vocational Instructor on 07.11.1979 at the Government Higher Secondary School, Sengadu, Cheyyar Taluk, Tiruvannamalai District, in Audit and Accountancy. He was appointed as a double part time Vocational Instructor on 27.08.1980 and as a full time Vocational Instructor in regular time scale of pay from 01.04.1990. His service as Vocational Instructor was regularized from 01.04.1990.

2.2 While so, the petitioner gave a representation on 04.04.2014



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to grant him third set of incentive increment for acquiring M.Phil. qualification.

As there was no response for the said representation, the petitioner has come forward with the present writ petition.

3. The third respondent has filed a detailed counter stating that Secondary Grade teachers will be getting two advance increments for acquiring B.T. or B.Ed degree and similarly, two advance increments for acquiring M.A., M.Sc., or M.Ed., degree. Therefore, for a Secondary Grade teacher working in the post of B.T.(Assistant) the maximum number of advance increments admissible for obtaining higher qualification shall be only 2 sets throughout his entire service, as per G.O.(Ms.) No.1024, Education, Science and Technology Department, dated 09.12.1993 which runs as under:

“A Secondary Grade teacher who has passed B.T. Or B.Ed., degree examination and obtained two advance increments shall be eligible for another two advance increments for passing M.A., M.Sc., or M.Ed., degree while working either in the Secondary Grade post or in B.T/B.Ed., Assistant post. A B.T. Teacher who after passing M.A., or M.sc., and obtained two advance increments shall be eligible for another two advance increments is qualified M.Ed., degree while working in B.T. Assistant post or headmaster post.”

4. It is submitted by the counsel appearing for the respondents that the



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petitioner has already received two sets (i.e., four) of advance increments for acquiring a higher qualification thereby he will not get any further increment for incentive increments.

5. In a Full Bench decision of this Court in W.A.No.3674 of 2019 batch dated 29.01.2022, it was held that :

*"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. 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 others 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.**"*

6. In view of the fact that the above order of this Court has become final, the petitioner who has already received two sets of incentive increments for



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acquiring additional qualifications is not entitled to any additional increment, for acquiring additional qualifications. The respondents are directed to settle the retirement benefits, if any, belonging to the petitioner as quickly as possible.

In the result, this writ petition is dismissed. Connected writ miscellaneous petition is closed, if any. No costs.

30.10.2023

Internet: Yes

Index: Yes/No

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To

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