



WEB COPY



W.A.No.131 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **28.04.2023**

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS. JUSTICE K. GOVINDARAJAN THILAKAVADI

W.A.No.131 of 2016

1.The Director of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Kancheepuram,
Kancheepuram District.

3.The District Educational Officer,
Chengalpattu,
Kancheepuram District.

... Appellants

versus

R.Gunasekaran,
Head Master,
Municipal High School,
Alandur,
Chennai - 16.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of letters patent, pleased to set aside the order dated 16.09.2014 in W.P.No.25172 of 2014 and allow the writ appeal.



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For Appellants : Mr.V.Manoharan,
Additional Government Pleader

For Respondent : Not Ready Notice

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JUDGMENT

(made by D.KRISHNAKUMAR, J.)

The learned Additional Government Pleader appearing for the appellants relied upon a decision of the Full Bench of this Court in Writ Appeal No.3674 of 2019 etc. batch dated 29.04.2022, wherein it is held that *"acquisition of an M.Phil. qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.Nos.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"*

2. Following the aforesaid judgment, a Division Bench of this Court allowed the appeal in W.A.No. 3674 of 2019 dated 10.10.2022 filed by the Department. A copy of the said order has also been placed before this Court.



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3. The learned Additional Government Pleader appearing for the appellants submitted that the aforesaid decision rendered by the Full Bench of this Court squarely applies to the facts of this case.

4. In view of the aforesaid decision of the Full Bench of this Court, which squarely applies to the facts of the present case, we have come to the conclusion that the order passed by the learned Single Judge is liable to be set aside. Consequently the order dated 16.09.2014 passed by the learned Single Judge in W.P.No.25172 of 2014 is set aside and the Writ Appeal stands allowed. No costs. C.M.P.No.1768 of 2016 is closed.

**(D.K.K., J.) (K.G.T., J.)
28.04.2023**

Index: Yes/no
mrn

To
The Head Master,
Municipal High School,
Alandur,
Chennai - 16.



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