



W.A.No.1554 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.1554 of 2016

and

C.M.P.No.19815 of 2016

- 1.State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Thiruvannamalai District.
- 4.The Head Master,
Government Girls Higher Secondary School,
Kil Kodungalur and Post,
Thiruvannamalai District.

...Appellants/Respondents

Vs.

R.Gnanasekaran

...Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to allow the writ appeal and set aside the order dated 05.03.2013 passed in W.P.No.16958 of 2009.

For Appellants : Mr.S.Silambanan,
Additional Advocate General,
Assisted by
Mr.M.Babu Barveez, Government Advocate
For Respondent : Mr.R.Saravanakumar

J U D G M E N T

(Judgment was made by **R.SUBRAMANIAN, J.**)

The State is on appeal challenging the order of the writ Court granting the benefit of incentive increment as per G.O.Ms.No.42 dated 10.01.1969 and other subsequent Government Orders for acquiring higher qualification during the period of service.

2. The writ petitioner viz., respondent in this appeal was appointed as a Vocational Instructor (Agriculture) and was teaching the subject Crop Production for the agricultural group of Higher Secondary

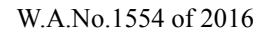


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Classes. Claiming that he had acquired higher qualification viz., M.A., Tamil, M.Ed., and M.Phil., the petitioner sought for incentive increment.

The same was rejected on the ground that the petitioner having been appointed as a Vocational Instructor would not be entitled to incentive increment. The petitioner challenged the said order.

3. Pending the said challenge, the Government has issued G.O.Ms.No.240 dated 18.08.2010 providing for a Scheme for grant of incentive increments to Vocational Instructors. The said Scheme provides for grant of incentive increment upon acquiring higher qualification in specific subjects relating to the vocational stream. For example, the Vocational Instructor teaching Accountancy can get incentive increment for obtaining B.Com., or M.Com., or related M.Phil or P.hd., Similarly a Vocational Instructor teaching Crop Production would be entitled to get incentive increment for obtaining higher qualification in B.Sc., M.Sc., M.Phil or P.hd., in the relevant subject namely Agriculture.



4. Incentive increments are not statutory entitlement. They are

5. Unfortunately, the Government Order was not placed before



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6. The learned counsel would contend that he would be atleast entitled to incentive increment for acquiring B.Ed., and M.Ed., It is open to him to make a claim and we make it clear that we do not express any opinion on the merits of the claim.

7. Hence, the writ appeal is **allowed**. The order of the writ Court is set aside. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (S.S.K., J.)
19.01.2023

dsa
Index :No
Internet :Yes
Speaking order



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To

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State of Tamil Nadu,
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