



W.A.No.3603 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM

THE HON'BLE Mr. JUSTICE R.SURESH KUMAR
AND
THE HON'BLE Mr. JUSTICE K.KUMARESH BABU

W.A.No.3603 of 2019
and
C.M.P.No.23146 of 2019

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

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

3.The Headmaster,
Government Girls Higher School,
Porur, Chennai – 116.

... Appellants

Vs.

K.Sudhakar

... Respondent

Prayer : Appeal filed under Clause 15 of the Letters Patent Act, praying
to set aside the order dated 26.02.2014 in W.P.No.5641 of 2014.

For Appellants : Mr.Vadivelu Deenadayalan
Additional Government Pleader

For Respondent : No appearance



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JUDGMENT

WEB COPY (Judgment of the Court was delivered by K.KUMARESH BABU, J.)

This intra-Court appeal has been preferred being aggrieved against the order made in W.P.No.5641 of 2014 dated 26.02.2014 passed by the learned Single Judge directing the respondents/appellant Department to grant third incentive increment to the petitioner/respondent for obtaining M.Phil degree.

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.



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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 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.

(R.S.K., J.) (K.B., J.)

29.08.2023

Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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