WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.6641 of 2020

S.Johnraja ... Petitioner

Vs.

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

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

3.The Chief Educational Officer,
Sivagangai Educational District,
Sivagangai.

4.The Headmaster,
Government Higher Secondary School,
Sathanur,
Sivagangai. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 4th respondent in Na.Ka.No.

https://www.mhc.tn.gov.in/judis

WEB COPY

42/2020 dated 19.03.2020 and quash the same as illegal and consequently, direct the respondents to sanction 3rd incentive increment for possessing M.Phil., to the petitioner, in the light of the order of this Court, dated 20.12.2007 in W.P.(MD)No.2528 of 2007, order dated 12.04.2011 in W.P.No.9200 of 2011 order dated 05.07.2013 in W.P.(MD)Nos.7291 of 2013 batch, order dated 24.07.2013 in W.P(MD)Nos.11802 of 2013 and batch, order dated 18.09.2014 in W.A(MD)No.867 of 2014 and in the light of G.O.Ms.No.17, School Education Department, dated 08.01.2008, G.O.Ms.No.209 School Education Department, dated 08.07.2010 and G.O(2D)No.15 School Education Department, dated 28.03.2013.

For Petitioner : Mr.C.Arul Vadivel @ Sekar
For R1 to R4 : Mr.J.Ashok
Additional Government Pleader

O R D E R

This writ petition has been filed challenging the order passed by the 4th respondent dated 19.03.2020 and to quash the same and consequently direct the respondents to sanction 3rd incentive increment for possessing M.Phil., to the petitioner, in the light of the order of this Court, dated 20.12.2007 in W.P.(MD)No.2528 of 2007, order dated 12.04.2011 in W.P.No.9200 of 2011, order dated 05.07.2013 in W.P.(MD)Nos.7291 of

https://www.mhc.tn.gov.in/judis

WEB COPY

2013 batch, order dated 24.07.2013 in W.P.(MD)Nos.11802 of 2013 and batch, order dated 18.09.2014 in W.A(MD)No.867 of 2014 and in the light of G.O.(Ms.)No.17, School Education Department, dated 08.01.2008, G.O.(Ms.)No.209 School Education Department, dated 08.07.2010 and G.O.(2D)No.15 School Education Department, dated 28.03.2013.

2. The learned counsel appearing for the petitioner would submit that two advance increments were granted to the petitioner for acquiring higher qualifications. Subsequently, the petitioner has applied for third advance increment for M.Phil., qualification, before the fourth respondent vide representation dated 06.02.2020. The fourth respondent vide impugned order dated 19.03.2020, rejected his claim, on the ground that he was granted two incentive increments for M.A., and B.Ed., degree. Challenging the same, the present writ petition has been filed.

3. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that the Government, on careful scrutiny of the Director of School Education recommendation, has accepted

https://www.mhc.tn.gov.in/judis

WEB COPY

for second incentive in addition to the first incentive for having M.A.,/M.Sc., qualification to graduate teachers, as per G.O.(Ms.)No.1024, Education, Science and Technology Department, dated 09.12.1993, instead of sanctioning second incentive to M.Ed., it should be taken as M.Ed., or M.Phil, or Ph.D., considering it for higher education with a condition that the order has been issued that a teacher in his/her service can have maximum two incentive alone. Hence, he prayed for dismissal of the writ petition.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. It appears that as per G.O.(Ms.)No.1024, Education, Science and Technology Department, dated 09.12.1993, the maximum number of increment is only two and one incentive increment is equivalent to two advance increments and the petitioner has already received four advance increments. As per the above G.O.(Ms.)No.1024, Education, Science and Technology Department, dated 09.12.1993, the petitioner is not entitled for

https://www.mhc.tn.gov.in/judis

WEB COPY

third incentive increment, which was confirmed by various catena of decisions. Hence, the prayer sought for by the petitioner cannot be granted and the writ petition is dismissed. No costs.

02.01.2023

Index : Yes / No
Speaking Order : Yes / No

akv

https://www.mhc.tn.gov.in/judis

WEB COPY

To

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

2.The Director of School Educationa,
College Road,
Chennai-6.

3.The Chief Educational Officer,
Sivagangai Educational District,
Sivagangai.

4.The Headmaster,
Government Higher Secondary School,
Sathanur,
Sivagangai.

https://www.mhc.tn.gov.in/judis

WEB COPY

M.DHANDAPANI,J.

akv

W.P.(MD)No.6641 of 2020

02.01.2023

https://www.mhc.tn.gov.in/judis