



WEB COPY

W.A.(MD) No.409 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN**

**W.A.(MD) No.409 of 2020
and
C.M.P.(MD) No.2798 of 2020**

- 1.The Secretary to Government School Education
Fort St.George
Chennai-600 009
- 2.The Director of School Education
College Road
Chennai-600 006
- 3.The Chief Educational Officer
Palani Road
School Education Compound
Dindigul District
Dindigul
- 4.The Education Officer
Vedasandur Educational District
Vedasandur Boys Higher
Secondary School Complex
Vedasandur Post
Dindigul District



W.A.(MD) No.409 of 2020

WEB COPY

5.The Block Educational Officer
Vadamadurai Educational Block
Vadamadurai Post
Vadasandur Taluk
Dindigul Taluk
Dindigul District

6.The Headmaster
Govt. High School
Thangammapatti
Dindigul District-624 801

... Appellants

-vs-

Dr.P.Kandhan

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 26.06.2018, passed in W.P.(MD) No.13500 of 2018, on the file of this Court.

For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent : Mr.M.Gnanagurunathan



WEB COPY

W.A.(MD) No.409 of 2020

J U D G M E N T

[Judgment of the Court was made by S.M.SUBRAMANIAM, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 26.06.2018, passed in W.P.(MD) No.13500 of 2018.

2. The relief sought for in the writ proceedings was for grant of third incentive increment to the respondent / writ petitioner for possessing additional educational qualification.

3. The Full Bench of this Court, by Judgment dated 29.04.2022 in W.A.No.3674 of 2019 etc. batch, has held that a Teacher is entitled to draw only two incentive increments in his / her entire service and third incentive increment has not been contemplated under the scheme of incentive increment. The relevant portion of the said Judgment is extracted hereunder:

“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 vs. 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



WEB COPY

W.A.(MD) No.409 of 2020

Division Bench in W.A.(MD) No.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 another 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. We answer the reference accordingly.”

4. In view of the above position, the writ appeal is allowed and the order, dated 26.06.2018, passed in W.P.(MD) No.13500 of 2018, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[V.L.N., J.]

12.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk



WEB COPY



W.A.(MD) No.409 of 2020

S.M.SUBRAMANIAM, J.
and
V.LAKSHMINARAYANAN, J.

krk

W.A.(MD) No.409 of 2020
and
C.M.P.(MD) No.2798 of 2020

12.10.2023