



W.A.(MD).No.324 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.324 of 2016
and
C.M.P.(MD).No.1887 of 2016

- 1.The Secretary to Government,
Education Department,
Fort St.George,
Chennai.
- 2.The Director of School Education,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Seena Vana Government Higher Secondary School,
V.E.Road,
Tuticorin.
- 4.The Head Master,
Arulmigu Senthilandavar
Government Higher Secondary School,
Tiruchendur – 620 215,
Tuticorin District.

.. Appellants/Respondents

Vs.

V.Vaiyanan

..Respondent/Writ Petitioner



W.A.(MD).No.324 of 2016

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 23.11.2015 passed in W.P.(MD).No.19712 of 2015.

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

For Respondent : Mr.V.Perumal

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The issue raised in the present Writ Appeal is whether a Teacher/PG Assistant is entitled to get third incentive increment for possessing additional educational qualification.

2. Right from the Government Order issued in G.O.Ms.No.42, Education Department dated 10.01.1969, the Government regulated the scheme of grant of incentive increment for the teaching staffs in the Education Department. The eligibility criteria are fixed based on the additional educational qualification acquired by the teaching staffs in Education Department and it's relevance with reference to the post they are



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holding. Therefore, grant of incentive increment is to be considered scrupulously in accordance with the terms and conditions stipulated under the scheme of incentive increment.

3. The learned Additional Government Pleader appearing for the appellants made a submission that in the present case, third incentive increment was sought for by the respondent, which was rejected by the Government. The learned Single Judge considered the case of the respondent and granted third incentive increment, which is contrary to the scheme of incentive increment approved by the Government and also the judgment of the Hon'ble Full Bench of this Court in the case of ***Government of Tamil Nadu, represented by its Secretary, School Education Department and others Vs. R.Subramani, dated 29.04.2022, passed in W.A.Nos.3674 of 2019 etc., batch.***

4. In the aforesaid judgment, the Hon'ble Full Bench of this Court has ruled that a Teacher is eligible to get two incentive increments in the entire service. The said two incentive increments are to be granted in compliance with the terms and conditions stipulated. However, third incentive



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increment has not been contemplated under the scheme and thus, the order of the learned Single Judge in the present case is running counter to the principles settled by the Hon'ble Full Bench of this Court.

5. Accordingly, the order dated 23.11.2015 passed in W.P.(MD). No.19712 of 2015 is set aside and the Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)
06.10.2023

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



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

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