



W.A.(MD).No.468 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.468 of 2016
and
C.M.P.(MD).No.3296 of 2016

- 1.The Director of School Education,
Chennai – 6.
- 2.The Chief Educational Officer,
Ramanathapuram.
- 3.The Headmaster,
Government Higher Secondary School,
Ananthoor,
Ramanathapuram District.

.. Appellants/Respondents

Vs.

V.Premamery

..Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 21.01.2016 in W.P.(MD).No.1311 of 2016.



W.A.(MD).No.468 of 2016

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

For Respondent : Mr.V.Panneer Selvam

JUDGMENT

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

The issue raised in the present Writ Appeal is whether a Teacher/BT 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 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.



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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 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.



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WEB COPY 5. Accordingly, the order dated 21.01.2016 passed in W.P.(MD).

No.1311 of 2016 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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and
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