



W.P.(MD) No.22580 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.07.2023

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD) No.22580 of 2016

F.Vargeesh

.. Petitioner

Vs.

1.The Government of Tamil Nadu,
Rep., by its Secretary to Government,
Department of School Education,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director of School Education,
D.P.I.Campus,
College Road, Chennai-600 006.

3.The Chief Educational Officer,
Nagercoil,
Kanyakumari District.

4.The Headmaster,
St.Mary Goretty Higher Secondary School,
Manalikarai, Kanyakumari District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order bearing



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Na.Ka.No.009262/K/E1/2016 dated 12.04.2016 and quash the same and consequently direct the respondents to sanction and disburse the 3rd incentive increment to the petitioner for possessing M.Ed degree from May 1995 in the light of order passed in W.P.No.17025 of 2014 and W.A.No.426 of 2008 and in the light of G.O.Ms.1023 dated 09.12.1993 and G.O.Ms.No.17, School Education Department, dated 08.01.2008 G.O.Ms.No.209, School Education Department dated 08.07.2010.

For Petitioner : Mr.S.C.Herold Singh

For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

This writ petition is filed for the issue of writ of certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order bearing Na.Ka.No.009262/K/E1/2016, dated 12.04.2016 and quash the same and consequently direct the respondents to sanction and disburse the 3rd incentive increment to the petitioner for possessing M.Ed., degree from May 1995 in the light of the orders passed in W.P.No.17025 of 2014 and W.A.No.426 of 2008 and in the light of G.O.Ms.1023, dated 09.12.1993, G.O.Ms.No.17, School



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Education Department, dated 08.01.2008 and G.O.Ms.No.209, School Education Department, dated 08.07.2010.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

3. During the course of hearing, learned counsel for the petitioner fairly placed a copy of the order of the Full Bench of this Court in W.A.No.3674 of 2019 etc., batch, dated 29.04.2022, stating that the issue involved in this writ petition is already resolved by the Full Bench. The relevant portion of the said judgment reads as follows:

“12. A perusal of the above order puts the issue beyond pale of doubt that as per the policy of the Government, a teacher for the entire period of his/her service shall be granted two incentives (four increments) only. Therefore, there cannot be any dispute regarding the fact that a Secondary Grade Teacher or B.T.Assistant or Post Graduate Teacher during the entire period of service as a teacher, is entitled to get only two incentive increments. Taking note of the same only, the Division Bench in W.A.No.



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1664 of 2016 dated 29.06.2018 (The Director of School Education and others v. V.Dhanapal) has categorically held that the acquisition of an M.Phil. qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.No.1024, Education, Science and Technology Department, dated 09.12.1993 restricting the number of incentive increments to two and therefore, any teacher is not entitled to a third incentive increment.”

3. In the light of the above, this Writ Petition is dismissed.

4. No costs.

31.07.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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To

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BATTU DEVANAND, J.

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