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W.P.(MD)No.5420 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.06.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.5420 of 2016
and
W.M.P.(MD)No.4869 of 2016

Meivazhi Kanaka Perumal Anandar

... Petitioner

vs.

- 1.The Secretary to the Government,
Department of School Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Pudukkottai.
- 4.The District Educational Officer,
Pudukkottai.
- 5.The Head Master,



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Government High School,
Muckanamalaipatty,
Pudukkottai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the 5th respondent in Mu.Mu.No.287/2000-2001, dated 28.05.2001 and to quash the same and to direct the 5th respondent to give 3rd set of increment to the petitioner for acquiring M.Ed., qualification.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondents : Mr.V.Omprakash
Additional Government Pleader

ORDER

This writ petition is filed for issuance of writ of Certiorarified Mandamus, to quash the impugned order dated 28.05.2001 passed by the 5th respondent and to direct the 5th respondent to give 3rd set of increment to the petitioner for acquiring M.Ed., qualification.



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2. The Government servants are entitled to two sets of incentive increments for higher qualification in their entire service. The 3rd set of incentive increment cannot be granted.

3. This issue is settled by the Hon'ble Full Bench of this Court vide order dated 29.04.2022 in the case of the Headmaster, Government Higher Secondary School, Amarakundhi Omalur Taluk and others Vs. R. Subramani reported in W.A.No.3674 of 2019 batch, wherein it is held that that the government employee is entitled only to two set of incentive increments equivalent to four advance increments and the relevant portion 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 v. 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 Division Bench in W.A.(MD) Nos. 701 and 769 of 2015 etc., dated 15.07.2015 (The Director of



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School Education and others 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. Therefore, the petitioner is not entitled to the prayer as claimed in this writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

05.06.2023

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S.SRIMATHY, J

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