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Writ Appeal No.1910 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.03.2024

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.1910 of 2021
and W.M.P.No.12399 of 2021**

1.The Director of School Education,
DPI Campus, college Road,
Chennai – 600 006.

2.The chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.

... Appellants

Vs

1.N.Baskara Doss

2.The Secretary,
Sannathi Higher Secondary School,
Vandavasi, Tiruvannamalai District

... Respondents

PRAYER:- Writ Appeal has been filed under Clause 15 of Letter Patent to set aside the order dated 11.09.2014 in W.P.No.26490 of 2014 and pass such further orders.

For Appellants : Mr.V.M.Racvichandran
Special Government Pleader



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For Respondents : No appearance – served

JUDGMENT

(Judgment of the Court was made by Mr.K.KUMARESH BABU.,J.)

Heard Mr.U.M.Racvichandran, learned Special Government Pleader for the appellants. In spite of notice being served on the respondents, they have neither chosen to appear in person nor through their counsel before this Court.

2. This Intra-Court Appeal had been preferred by the State as being aggrieved against the order of the learned Single Judge made in W.P.No.24690 of 2014 dated 11.09.2014, wherein, the learned Single Judge had set aside the order of the second appellant in rejecting the request of the first respondent herein for grant of third incentive increment and issued a consequential direction for grant of third incentive increment.

3. The issue relating to the third incentive increment is no longer *res integra* in view of the Full Bench judgment of this court. We had an occasion to deal with a similar issue in Writ Appeal No.3603 of 2019 dated



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29.08.2023. Following the dictum laid down by the Full Bench, we had allowed the said Writ Appeal filed by the Government in a similar circumstances. The said Full Bench judgment squarely applies to the facts of the case.

4. In fine, this Writ Appeal is allowed and the order passed by the learned Single Judge, dated 11.09.2014 is set aside. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (K.B., J.)
07.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
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R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

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