



W.A.(MD) No.430 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD) No.430 of 2018
and
C.M.P.(MD) No.2588 of 2018**

1.The State of Tamil Nadu
rep.by its Principal Secretary to Government
School Education Department
Fort St.George
Chennai-600 009

2.The Director of School Education
College Road
Chennai-600 006

3.The Chief Educational Officer
Tirunelveli
Tirunelveli District

... Appellants

-vs-

Ananthalakshmi

... Respondent



W.A.(MD) No.430 of 2018

WEB COPY

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 17.12.2015, passed in W.P.(MD) No.22816 of 2015, on the file of this Court.

For Appellants : Mr.T.Amjad Khan
Government Advocate

For Respondent : No appearance

J U D G M E N T

[Judgment of the Court was made by A.D.JAGADISH CHANDIRA, J.]

This writ appeal is directed against the order of the learned Single Judge, dated 17.12.2015, passed in W.P.(MD) No.22816 of 2015.

2. The relief sought for in the writ proceedings was for grant of third incentive increment to the respondent / writ petitioner for possessing additional educational qualification of M.Phil Degree.

3. To be noted, the respondent has already availed two incentive increments for acquiring M.Sc., and M.Ed., Degrees. Now, she seeks for third incentive increment for acquiring M.Phil. Degree.



W.A.(MD) No.430 of 2018

WEB COPY

4. In this regard, the Full Bench of this Court, by Judgment dated 29.04.2022 in W.A.No.3674 of 2019 etc. batch, has held that a Teacher is entitled to draw only two incentive increments in his / her entire service and third incentive increment has not been contemplated under the scheme of incentive increment. The relevant portion of the said Judgment 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 vs. 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) No.701 and 769 of 2015 etc., dated 15.07.2015 (The Director of School Education and others v. 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.”



W.A.(MD) No.430 of 2018

WEB COPY

5. In view of the above position, the writ appeal is allowed and the order, dated 17.12.2015, passed in W.P.(MD) No.22816 of 2015, is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[A.D.J.C., J.]

[K.R.S., J.]

11.06.2024

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

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To:

- 1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai-600 009.
- 2.The Director of School Education,
College Road,
Chennai-600 006.
- 3.The Chief Educational Officer,
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Tirunelveli District.



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W.A.(MD) No.430 of 2018

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AND
K.RAJASEKAR, J.

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