



WA(MD). No.960 and 961 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08/08/2024

CORAM

**The Hon`ble Mr.Justice C.V.KARTHIKEYAN
and**

The Hon`ble Mr.Justice J.SATHYA NARAYANA PRASAD

**WA(MD). Nos.960 and 961 of 2018 and
WMP(MD) Nos.6373 and 6374 of 2018**

1.The Director of Elementary School Education
(Administration)
Office of the Director of Elementary School Education
Chennai 600 006.

2.The District Elementary Educational Officer,
District Elementary Educational Office,
Dindigul, Dindigul District

3.The Additional Assistant Elementary Educational Officer,
Assistant Elementary Educational Office,
Vedachandur, Dindigul

... Appellants in
both appeals

Vs

G.Kalai

... Respondent in
WA(MD) No.960/2018

K.Natarajan

... Respondent in
WA(MD) No.961/2018



WA(MD). No.960 and 961 of 2018

PRAYER: Writ Appeals are filed under Clause 15 of the Letters Patent against the order dated 11.04.2018 in WP(MD) Nos.7791 and 7792/2018.

For Appellants : M/s.M.Senthil Ayyanar
Government Advocate

For Respondents : Mr.N.Sathish Babu

COMMON JUDGMENT

Writ appeals have been filed by the first and 2nd respondents in WP(MD) Nos.7791/2018 and 7792/2018 challenging the order dated 11.04.2018 passed by the learned Single Judge.

2. In order to facilitate easier understanding, the parties will be referred in the same nomenclature as maintained in the writ petition.

3. The case of the writ petitioners is that they had completed M.Ed., in the year 1994 respectively and sought incentive increment in view of G.O.Ms.No.1023 dated 09.12.1993 (Education, Science and Technology Department) and in view of the order passed by the Division Bench of this Court in WA(MD) No.867/2014 dated 18.09.2014. The learned single Judge has relied on the judgment of the Division Bench of



WA(MD). No.960 and 961 of 2018

this Court in the above writ appeal and allowed the writ petitions directing the respondents to sanction the incentive increment for the M.Ed., qualifications and directed an order to that effect to be passed and monetary benefits to be disbursed to the writ petitioners.

4. The learned Government Advocate appearing for the appellants relied on the judgment of the Full Bench of this Court in WA Nos.3674 of 2019 etc. batch dated 29.04.2022. The relevant portion of the 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 WA 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 WA (MD) Nos.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 WA(MD) No.867 of 2014 dated 18.09.2014 (The Director of School Education and another v. N.Balasoundari and another)



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WA(MD). No.960 and 961 of 2018

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.”

5. The Full Bench had been called upon to answer the following reference:

“Whether a teacher is entitled to a third incentive increment on account of acquiring an M.Phil qualification or not?”

6. In view of the judgment of the Full Bench, the order which the learned single Judge relied on ie., WA(MD) No.867/2014 dated 18.09.2014 that a Teacher is entitled to third set of incentive increment, cannot be said to be a good law and in view of the above ratio laid down by the Full Bench of this Court, the writ appeals stand allowed. No costs. Consequently connected Miscellaneous Petitions are closed.

(C.V.K.,J.) (J.S.N.P.,J.)
08.08.2024

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WA(MD). No.960 and 961 of 2018

TO

1.The Secretary to Government
Revenue department
Secretariat
Chennai 600 009.

2.The Principal Secretary cum
Commissioner of Revenue Administration
Chepauk, Chennai.600 006.



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WA(MD). No.960 and 961 of 2018

**C.V.KARTHIKEYAN, J.
and
J.SATHYA NARAYANA PRASAD, J.**

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WA.(MD)Nos.960 and 961 of 2018

08.08.2024