



WEB COPY



WA No.1718 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2025

CORAM

THE HON'BLE MR. JUSTICE S.S. SUNDAR

AND

THE HON'BLE MR.JUSTICE C. SARAVANAN

WA No.1718 of 2018

1.The Director of School Education,
DPI Campus, College Road,
Chennai- 600006

2.The Chief Educational Officer
Namakkal Dist, Namakkal

3.The Headmaster,
Govt Boys Hr.Sec.School,
Kalappanaickenpatty,
Namakkal-637404

: Appellants

versus

S.Palaniammal

: Respondent

Prayer: Appeal filed against the order passed by the learned judge in
WP.No.34858 of 2013 dated 20.12.2013.

For Appellants : Mr.J.C.Durairaj,
Additional Government Pleader

For Respondent : No appearance



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JUDGMENT

(Judgment of the Court was delivered by S.S.SUNDAR, J.)

This appeal is filed against the order of learned Single Judge dated 20.12.2013 in WP No.34858 of 2013. The respondent/writ petitioner filed the said writ petition for a mandamus directing the appellants herein to sanction incentive increment to the respondent for possessing M.Phil Degree, from the date of acquiring such degree, with arrears of salary with interest. The Writ Court allowed the writ petition and the appellants were directed to sanction and pay incentive increments within a period of four weeks. Aggrieved by the same, the appellants are before this Court.

2. The following facts are not disputed:

(a) The respondent/writ petitioner was appointed as a physical education teacher on 14.11.1975. Based on her seniority, she was given promotion to the post of B.T. Assistant on 26.02.2009. On reaching the age of



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superannuation, she retired from service on 30.06.2013. Her service was extended from 01.07.2013 to 31.05.2014.

(b) The respondent/writ petitioner was sanctioned with incentive increment for M.Ed. qualification with effect from 24.05.2000 and for M.A. degree with effect from 04.01.2003, while she was serving in the post of B.T. Assistant. The respondent applied for third incentive increment for M.Phil Degree in June, 2008. When the writ petitioner submitted an application in this regard, the same was not considered. Hence, the respondent/writ petitioner filed the writ petition seeking the prayer aforementioned.

(c) The learned Single Judge allowed the writ petition following the order in WP (MD) Nos.11802 to 11806 of 2013 dated 24.07.2013. The said order dated 24.07.2013 was passed following the judgment of a



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Division Bench of this Court in W.A.Nos.2604 to
2606 of 2007 dated 20.12.2007.

3. The question whether a teacher is entitled to a third incentive increment on account of acquiring M.Phil qualification came up for consideration and there were conflicting views by different Benches of co-equal strength.

4. In the judgment in WA (MD) Nos.701 and 769 of 2015, dated 15.07.2015, a Division Bench of this Court held that a teacher is entitled to a third set of incentive increment. In the judgment dated 29.06.2018 in WA No.1664 of 2016, another Division Bench of this Court has held that a teacher shall be granted only with two incentive increments.

5. Since there were conflicting judgments on the same issue, the matter was referred to a Full Bench. The Full Bench, vide its judgment in WA Nos.3674 of 2019 etc. batch, dated 29.04.2022, clarified the position.



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6. The Full Bench held that in terms of G.O.Ms.1024, Education, Science and Technology Department, dated 09.12.1993, any teacher during his/her service is entitled only for two incentive increment for acquiring higher qualification. In other words, no teacher is entitled for a third incentive increment.

7. If the decision of the Full Bench is applied, the respondent/writ petitioner would not be entitled to a third incentive increment for acquiring M.Phil qualification. Therefore, the order of learned Single Judge dated 20.12.2013 in WP No.34858 of 2013 is set aside. This appeal is allowed and WP No. 34858 of 2013 stands dismissed.

8. There will be no order as to costs. Consequently, C.M.P.No.13756 of 2018 is closed.

(S.S.S.R., J.)

(C.S.N., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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AND
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