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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 10.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD) No.1123 of 2016
&
C.M.P.(MD)No.6911 of 2016

1.The State of Tamil Nadu,
Rep. by its Secretary,
Director of School Education,
Fort St.George,
Chennai-600 009.

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

3.The District Educational Officer,
Tenkasi-627 811,
Tirunelveli District. ... Appellant / Petitioner

Vs.

1.A.Arul Joseph .... Respondent / Writ Petitioner

2.The Correspondent,
Punitha Arulappar Higher Secondary School,
Avudayanoor-627 808,
Tirunelveli District. ... Respondent / 4th Respondent

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 18.12.2015 passed in W.P.(MD)No.22935 of 2015.

For Appellants : Mr.T.Amjadkhan
Government Advocate

For Respondents : No appearance

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.)**

This intra-court appeal has been filed by the State questioning the order dated 18.12.2015 passed by the learned single Judge allowing W.P.(MD)No.22935 of 2015 filed by the first respondent herein.

2. The first respondent herein was working as BT Assistant in the second respondent school. He sought conferment of the third incentive increment for having acquired M.Phil degree. Since the request was rejected, the said writ petition was filed. The learned single Judge allowed the writ petition on the basis that the issue is squarely covered by the earlier order dated 15.07.2015 passed by the Hon'ble Division Bench

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in W.A.(MD)Nos.701 & 769 of 2015 etc., batch.

3. The learned Government Advocate draws our attention to the Full Bench decision rendered on 29.04.2022 in W.A.No.3674 of 2019 etc., batch.

4. The Full Bench was called upon to answer the reference on the following question:-

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

The reference was answered in the following terms:-

> "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)Nos.701 & 769 of 2015, etc, dated 15.07.2015 (The Director of School Education and others Vs. S.Amalraj) and the view taken by another Division Bench in W.A.(MD)No.867 of

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2014, dated 18.09.2014 (The Director of School Education and another Vs. 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."

5. In this view of the matter, the order of the learned single Judge is clearly un-sustainable. It is set aside. The Writ Appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.K.M., J.)
10.12.2025

Index : Yes / No
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