

W.P.(MD) No.20229 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 24.07.2025

Pronounced On : 08.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.20229 of 2017

S.Rasalam,
S/o.V. Selvamuthu,
Alamparavilai,
Viyannoor Post,
Kanyakumari District.

... Petitioner

Vs.

1.The Director of Adi Dravidar Welfare,
Chepauk,
Chennai-5.

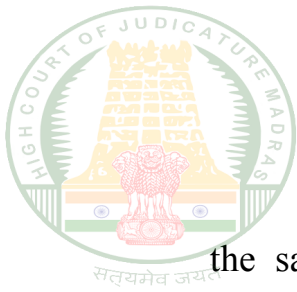
2. The Director of Tribal Welfare,
Chepauk,
Chennai-5.

3.The Head Master,
Government Tribal Residential
Higher Secondary School,
Petchiparai,
Kanyakumari District.

... Respondents

PRAYER in W.P.:

To issue a writ or direction in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order of the 3rd respondent dated 08.09.2017 made in Na.Ka.No.612/2017 and quash



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the same and direct the respondents herein to sanction 3rd incentive increment to the petitioner for possessing M.Phil., qualification with effect from September, 2010 with all consequential monetary benefits and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of this case and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.S.Rasalam
(party-in-person)

For Respondents : Mr.V.Om Prakash
Government Advocate for R1 to R3

J U D G M E N T

Heard.

2. The petitioner has challenged the order of the 3rd respondent dated 08.09.2017, whereby he was informed that, having already availed two incentive increments for acquiring academic qualifications, his request for a third incentive increment for obtaining an M.Phil. degree was not feasible for compliance. When the writ petition came up for admission, notice was accepted on behalf of the respondents. Pursuant thereto, the 2nd respondent filed a common counter affidavit dated 25.04.2025, wherein, in paragraph 13, it was averred as follows:-



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“13. It is humbly submitted that, as per the aforesaid G.O.42, G.O.1023, G.O.1024, G.O.240 and as per the Hon'ble High Court order in W.P.Nos.29580 and 29581 of 2015 dated 08.08.2022, the maximum number of incentive increments which a teacher can get under the scheme is two sets (4 incentive increments) in the entire service. As per the above said orders two set of incentive increments have been already sanctioned to the petitioner for the qualifications M.Com., (3+3) and M.Ed., (3+3). Hence, the petitioner is not eligible to seek 3rd set of incentive increment for M.Phil., qualification. The claim of the petitioner is not acceptable. ”

3. In the judgment referred to in the preceding paragraph, dated 08.08.2022, paragraphs 37 and 38 read as follows:-

“37. Under these circumstances, a promotion granted to a Teacher will not confer any further legal right to claim third incentive increment on acquisition of higher educational qualification. Every Teacher in his entire service is entitled to get two incentive increments for acquiring higher qualification in their service and the Degrees, which all are eligible and other criterias as fixed in the Government orders and the Government has to follow scrupulously in respect of grant of incentive increment for all the Teachers without any discrimination.

38. This being the principles to be followed, this Court is of an opinion that all the Teachers, irrespective of their cadre are entitled to get two incentive increments in their entire service. Accordingly, the 1st respondent / Secretary to Government, School Education Department is directed to issue a consolidated instructions in respect of grant of incentive increments to all the cadres, enabling the competent authorities to implement the scheme in its letter and spirit and without any violation or deviation. Such a consolidated instructions are to be issued by the Secretary to



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Government, School Education Department, within a period of four weeks from the date of receipt of a copy of this order.

In the light of the judgments cited above, these writ petitions are dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.”

4. In the light of the above, the petitioner has not made out a case for grant of the relief sought. Accordingly, W.P.(MD)No.20229 of 2017 is dismissed. No costs.

08.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS



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To

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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
W.P. (MD) No.20229 of 2017

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