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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On : 24.04.2026

Pronounced On : 02.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.576 of 2026

S.Rasalam

... Appellant

Vs.

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

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

3.The Headmaster,
Government Tribal Residential
Higher Secondary School,
Petchiparai,
Kanyakumari District-629 161.

... Respondents

PRAYER : Writ Appeal filed under Clause 15 of letters Patent against
the order made in W.P.(MD)No.20229 of 2017 dated 08.08.2025.

For Appellant : Mr.S.Rasalam.
Party-in-Person

For Respondents : Mr.A.Kannan,
Additional Government Pleader.



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JUDGMENT

(Judgment of this Court was delivered by **M.JOTHIRAMAN J.**)

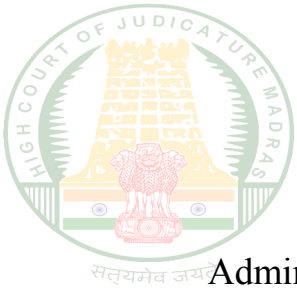
Under assail is the order passed in W.P.(MD)No.20229 of 2017 dated 08.08.2025.

2.The appellant herein is the writ petitioner. He has challenged the order passed by the third 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 increments for obtaining an M.Phil degree was not feasible for compliance. The learned Writ Court dismissed the writ petition on the ground that as per G.O.Ms.No.42, G.O.1023, G.O.1024, G.O.240 and as per order in WP.Nos.29580 & 29581 dated 08.08.2022, the maximum number of incentive increments which a teacher can get under the scheme is two sets in the entire service. Two increments have already been sanctioned to the writ petitioner for the qualifications. Hence, he is not entitled to seek the third set of increment for M.Phil qualifications. Aggrieved over the same, the present writ appeal.



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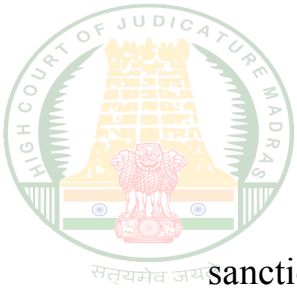
3.The appellant/Party-in-Person would submit that he was appointed as a double part time Vocational Instructor on 13.07.1985 with educational qualification of B.Com Degree. He has also passed in M.Com and M.Ed., for which, the respondents have sanctioned two incentive increments. In September 2010, he had acquired M.Phil qualification. He was not provided with the third incentive increment and upon approaching this Court, the third respondent rejected his request stating that as per G.O.No.1023 dated 09.12.1993, an individual is entitled for two incentive increment only. The Government in G.O. (Ms)No.37, dated 10.03.2020 has taken a decision to cancel/dispense with the scheme to sanction of advance increment for acquired higher qualification. Agitating the same, writ petitions were filed before this Court in WP.(MD)Nos.27556, 28329 of 2024 etc., batch and the this Court has partly allowed the same and issued direction that the Teachers who have acquired higher educational qualification before 10.03.2020 and whose application for grant of incentive in the scale of pay are pending are entitled to sanction of eligible incentive increments, in terms of the relevant G.Os prior to G.O.Ms.No.37, Personnel and



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Administrative Reforms (FR-IV) Department, dated 10.03.2020. The appellant/party-in-person would further submit that this Court in WP. (MD)Nos.11802 to 11806 of 2013 dated 24.07.2013 has held that the third incentive increment for having possessed M.Phil degree were granted in favour of five writ petitioners by stating that similarly placed persons bound to be treated equally without any discrimination. Aggrieved over the same, the Government has preferred writ appeal in WA.(MD)No.867 of 2014 and the Division Bench of this Court dismissed the same, vide order dated 18.07.2014 by holding that the third incentive increment is permissible in under law. The appellant had acquired M.Phil in Commerce in September 2010 and as such he is entitled for the grant of third incentive increment.

4.*Per contra*, learned Additional Government Pleader appearing for the respondents would submit that as per G.O.No.42, G.O.1023, G.O.1024, G.O.240 and as per the order of this Court in WP.Nos.29580 and 29581 of 2015 dated 08.08.2022, the maximum number of incentive increment which a Teacher can get under the scheme is two sets in the entire service. As such two set incentive increment have already been



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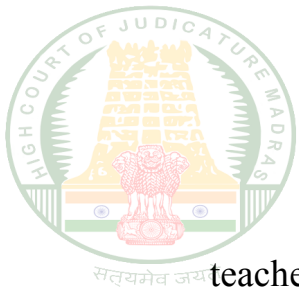
sanctioned to the appellant for the qualification of M.Com and M.Ed.

Therefore, the appellant is not entitled to seek third incentive increment for acquiring M.Phil degree.

5.We have considered the submissions made on either side and perused the records carefully.

6.The appellant challenged the order passed by the third 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 increments for obtaining an M.Phil degree was not feasible for compliance. The order impugned in the writ petition came to be passed by citing G.O.(Ms)No.1023 dated 09.12.1993.

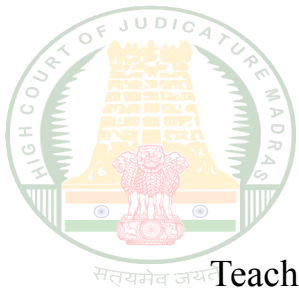
7.It is to be noted that acquisition of M.Phil qualification does not entitle a teacher for a third incentive increment, in view of G.O.Ms.No. 1024, Education, Science and Technology Department, dated 09.12.1993 restricting the number of incentive increments to two and therefore, any



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teacher is not entitled to a third incentive increment, which came to be passed by considering the peculiar circumstances of the case and the fact that the higher qualification in those cases are obtained, before 09.12.1993, i.e. the date on which the first G.O. i.e. G.O.Ms.No.1023 was passed restricting the number of incentive increments to a maximum of two, during the service of the Teacher. The policy decision of the Government has been consistent to the effect that the teachers who acquire higher qualifications can be granted two incentive increments equivalent to four advance increments, during the entire tenure of their service. In fact, the appellant was appointed as part time Vocational Instructor, on 15.07.1985 with an educational qualification of pass in B.Com degree. During his service, he had completed M.Com and M.Ed., for which the official respondents sanctioned two incentive increments to the appellant. Therefore, he cannot claim third incentive increment as a matter of right for obtaining M.Phil qualification in the year 2010.

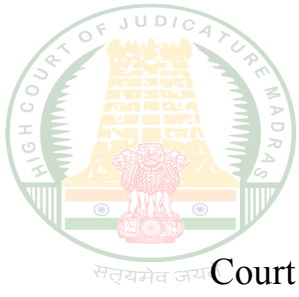
8.It is pertinent to refer the judgment of the Hon'ble Full Bench of this Court in W.A.Nos.3674 of 2019, etc., batch dated 29.04.2022 wherein the Hon'ble Full Bench answered the reference as to whether a



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Teacher is entitled to the third incentive increment on account of acquiring M.Phil qualification or not? It has been answered 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 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 W.A.(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 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”.***

9. Applying the proposition laid down by the Hon'ble Full Bench is squarely applicable to the present case on hand. The appellant already availed two incentive increment for acquiring educational qualification and his request for third incentive increments for acquiring M.Phil was not feasible. There is no infirmity in the order passed by the learned Writ

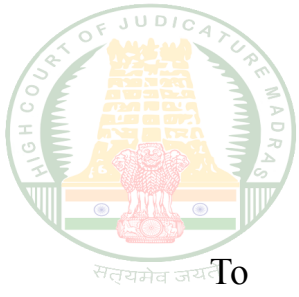


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Court and there is no merits in the writ appeal. Accordingly, this writ appeal is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
02.06.2026

NCC : Yes / No
Index : Yes / No
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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN, J.

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Pre-Delivery Judgement made in
W.A.(MD)No.576 of 2026

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