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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 2092 of 2026

and

C.M.P.No.18212 of 2026

1. The State of TamilNadu
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai – 009.
2. The Director of School Education
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Chennai – 600 006.
3. The Chief Educational Officer
Tiruvannamalai District,
Tiruvannamalai.
4. Head Master
Government Higher Secondary School,
Renukondapuram,
Tiruvannamalai District.
5. Assistant Treasury Officer
Polur, Tiruvannamalai District.

..Appellant(s)

Vs

A. Gajalakshmi
W/o. Tamilarasan,
B.T.Assistant (English),
Government High School,
5-Puthur,
West Arni Union,
Tiruvannamalai District.

..Respondent(s)



Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 06.11.2025 made in WP No.41673 of 2025 and allow this Writ Appeal.

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For Appellant(s): Dr.R.Gouri, Government Counsel

For Respondent(s): Mr.S.Nedunchezhiyan

JUDGMENT

(Judgment of the Court was delivered by S.M.Subramaniam J.)

State preferred the present intra court appeal against the order passed by the Writ Court dated 06.11.2025 made in W.P.No.41673 of 2025, whereby the Writ Court has directed award of one advance increment to the petitioner / respondent herein for acquiring higher qualification.

2. Learned Government Counsel appearing for the State / appellants submits that the issue regarding sanction of advance incentive increment by the government employees for acquiring higher educational qualifications with all monetary benefits and arrears of pay has been settled by the judgment of a Division Bench dated 08.06.2026 made in W.A.Nos.1215 of 2024 etc., batch.

3. The relevant portion of the said judgment reads as under:

“ 11. Governing legal principles in the context of the facts on hand are that, advance increment is a concession granted to government servants. Concessions are not conditions of service. Such concessions would not constitute a vested right. Policy decisions are taken by the Government and certain concessions are granted to encourage the government



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employees for better performance of their official duties. Concessions cannot be equated with conditions of service. In the present case, grant of advance increment for acquiring higher educational qualification is a concession.

12. The object of the scheme is to encourage the government employees to acquire higher educational qualification, which which would be of some assistance to them for rendering effective public service.

13. Government announces certain concessions then and there for the welfare of the government employees and to encourage them. Withdrawal of such concession would not constitute a ground to the government employees to claim such concession as a matter of right. In the present case, the scheme of advance increment was cancelled mainly on the ground of huge financial burden. Large number of government employees have acquired higher educational qualification through correspondence courses, distance education courses and different other modes of education from various universities across the country. In present day circumstances, acquiring academic qualification has become easier and therefore the Government realised that grant of advance increment would cause huge financial burden and therefore took a policy decision and cancelled the scheme.

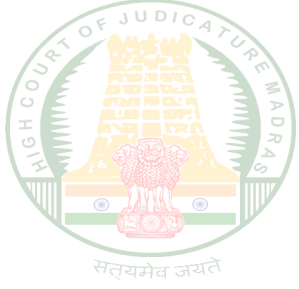
14. Doubts raised by the departments are clarified by the Government in G.O.Ms.No.116 dated 15.10.2020 in respect of the cancellation policy issued in G.O.Ms.No.37 dated 10.03.2020. Subsequently, the Government issued G.O.Ms.No.95 dated 26.10.2023 framing guidelines for grant of lump sum amount for acquiring higher educational qualifications in order to give a quietus to the disputes.



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Therefore, erstwhile advance increment scheme was modified to that of grant of lump sum to the government employees for acquiring higher educational qualification in terms of G.O.Ms.No.95 dated 26.10.2023. Further, a decision was taken in G.O.Ms.No.95 to deal with the applications pending prior to the issuance of G.O.Ms.No.37. Para 7 of G.O.Ms.No.95 reads as under:

7. Now, it has come to the notice of the Government that substantial number of claims are pending from candidates with higher educational qualifications. Hence, to expeditiously process and bring clarity to the scheme of granting incentive, in partial modification of the orders issued in the Government Order second and third read above and clarifications issued in the Governing Letter fourth read above, the cut-off date for sanction of advance increments for having acquired higher educational qualifications ended and the new scheme of sanction of lumpsum amount is ordered to take effect from 10.03.2020. Thus, the clarification issued in Government Order second read above and the Government Letter fourth read above are harmonized to ensure that, all pending applications as on 10.03.2020 and claims made subsequently for sanction of benefits for having acquired higher educational qualifications shall be disposed as per this new scheme of granting lump sum incentives only and not the earlier scheme of granting increments in salary. This principle would ensure expeditious disposal of all pending claims and also maintain parity and equal treatment



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between the claims pending as on date and for the persons acquiring higher educational qualifications in future also.” ½

15. Policy decision as enumerated in G.O.Ms.No.37 dated 10.03.2020, G.O.Ms.No.116 dated 15.10.2020 and G.O.Ms.No.95 dated 26.10.2023 would show that a cut off date for sanction of advance increment was fixed and the scheme was modified to that of grant of lump sum amount to the employees who acquire higher educational qualification. The pending applications are directed to be considered under G.O.Ms.No.95. All the applications pending prior to 10.03.2020 and applications submitted after the above Government Orders will be considered for grant of lump sum in terms of G.O.Ms.No.95. The said position would ensure expeditious disposal of pending claims and will maintain parity on the applications pending as on date and for the persons acquiring higher educational qualification in future also.

16. Therefore, by issuance of G.O.Ms.No.37 dated 10.03.2020 the scheme of sanction of advance increment was cancelled. However, the Government modified the policy and issued G.O.Ms.No.95 granting lump sum amount to the employees who have acquired higher educational qualifications. Pending applications filed prior to 10.03.2020 will also be considered in terms of G.O.Ms.No.95 for grant of lump sum. The concession given was cancelled in G.O.Ms.No.37 dated 10.03.2020 and was modified to grant of lump sum to the employees who have acquired higher educational qualification.

17. Regarding the cut off date fixed by the Government,



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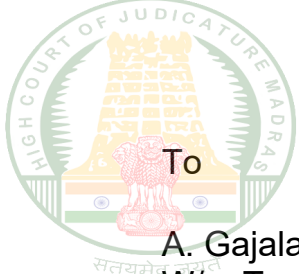
the constitutional courts reiterated that fixing of cut off date for implementing certain financial concession cannot be construed as illegal. In the present case, grant of advance increment was cancelled in G.O.Ms.No.37 dated 10.03.2020 and the said date is fixed as cut off date, which cannot be said to be infirm. Fixing of cut off date while implementing the pay commission or concessions relating to payment of additional monetary benefits is inevitable and fixation of such cut off dates are recognised by the Courts. The Government Order deals with the pending applications as well as future applications. Therefore, cancellation of the policy of advance increment cannot be said to be in violation of the principles of law.

18. In view of the factual and legal position as discussed above, the writ appeals and review applications filed by the Government of Tamil Nadu are allowed. Writ Petitions and Writ Appeals filed by the employees are disposed of. Pending applications filed by the government employees seeking increments are to be disposed of in terms of G.O.Ms.No.95 dated 26.10.2023 as expeditiously as possible.”

4. Accordingly, following the aforesaid judgment made in W.A.Nos.1215 of 2024 etc., batch, this Writ Appeal filed by the State is allowed and the order of the writ court dated 06.11.2025 in W.P.No.41673 of 2025 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
23-07-2026

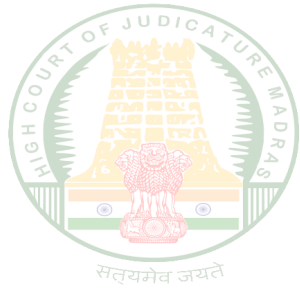
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
vsi



To

A. Gajalakshmi
W/o. Tamilarasan,
B.T.Assistant (English),
Government High School,
5-Puthur,
West Arni Union,
Tiruvannamalai District.

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**S.M.SUBRAMANIAM, J.
and
N.SENTHILKUMAR, J.**

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