



WEB COPY



WA No. 1559 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No.1559 of 2026

AND

CMP NO.16418 OF 2026

1. The Director of School Education
DPI Campus, College Road, Chennai 6
2. The District Educational Officer (Elementary)
Edappadi, Mettur Block,
Salem District-636 303.
3. The Block Educational Officer II
Mettur Block, Edappadi
Salem District – 636 303.

..Appellants

Vs

K.S.Venkatesan, S/o Sellakumar Ramarjun
Sheddu, Headmaster, Panchayat Union Middle
School, Nagampathi, Ramanpatti P.O.,
Palamalai, Kolathur Via. Mettur Block
Salem District – 636 303.

..Respondents

Prayer: Appeal filed under clause 15 of Letters Patent to set aside the order dated 07.04.2025 made in WP No.31665 of 2024 and thus render justice.

For Appellant(s):	Dr.R.Gouri, Government Counsel
For Respondent(s):	Mrs.S.Suneetha



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JUDGMENT

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

The State preferred the present Appeal challenging the writ order dated 22.03.2024 made in WP No.24653 of 2021.

2.The issue raised in the present lis is about stepping up of pay of the respondent on par with his junior. The writ Court issued a direction for stepping up of pay of the respondent on par with his junior.

3.Stepping up of pay, fixation of pay or refixation are complex issues to be done only after verifying the entire service records of the individual employees. The Supreme Court time and again reiterated that in the matter of fixation of pay, the High Courts are expected to exercise restraint in granting direction for fixation.

4.The learned counsel for the respondent would submit that the junior to the respondent was granted an incentive increment, when he was holding the post of secondary grade teacher.



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5.It has to be ascertained, on what basis the incentive increment was granted to the junior. Grant of an increment to a junior *per se* would not constitute the ground to seek stepping up of pay, since these are special increments granted for acquiring additional qualifications or otherwise. Therefore, mere comparison between a senior and a junior would not be sufficient and the nature of increment or any other additional benefit granted to the junior to be ascertained for the purpose of stepping up of pay.

6.This exactly is the reason why the Supreme Court of India, in the case of ***State of Bihar and others Vs. Bihar Secondary Teachers Struggle Committee*** ¹ held that, granting pay scales is a purely an executive function. Hence the Court should not interfere with the same.

7.Equation of posts and salaries is a complex matter which should be left to an expert body. In the case of ***S.C.Chandra and Others Vs. State of Jarkhand and others*** ², the Apex Court held that granting pay scales is a purely executive function and hence the Court should not interfere with the same. It may have cascading effect creating all kinds of problems for the

¹ AIR 2019 SC 2521

² 2007 (8) SCC 279



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Government and Authorities. Hence the Court should exercise judicial restraint and not interfere in such executive function.

8. The Courts in exercise of their limited power of judicial review can only examine whether the decision of the State authorities is rational and just or prejudicial to the particular set of employees. In the case of ***State of Haryana and another Vs. Haryana Civil Secretariat Personal Staff Association***³, the Supreme Court held that the Courts should approach such matters with restraint and interfere only when they are satisfied that the decision of the Government is patently irrational, unjust and prejudicial to a section of employees and the Government while taking the decision has ignored factors which are material and relevant for a decision in the matter. Even in a case where the Court holds the order passed by the Government to be unsustainable then ordinarily a direction should be given to the State Government or the authority taking the decision to reconsider the matter and pass a proper order. The Court should avoid giving a declaration granting a particular scale of pay and compelling the Government to implement the same.

³ 2002 (6) SCC 72



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9.This Court is of the considered view that writ of mandamus instituted seeking stepping up of pay and the High Court issuing a direction for stepping up of the pay may result in causing prejudice to the financial interest of the State. Therefore, only if any order of rejection is passed and such an order is found to be patently unjustified, then alone a direction need to be issued to reconsider and pass appropriate orders. Contrarily, High Court directly issuing a direction for stepping up of pay is not desirable.

10.The matter relating to stepping up of pay was referred to One Man Commission, on account of numerous directions issued by the High Court for stepping up of pay, resulted in causing huge financial loss to the Government. In the present case, after passing of impugned writ order on 07.04.2025, the Government based on the recommendations of One Man Commission issued guidelines for grant of stepping up of pay as per G.O.Ms.No.164 School Education Department dated 16.07.2025. Therefore all matters, applications relating to stepping up of pay in Education Department must be considered by strictly following the guidelines issued in G.O.Ms. No.164 School Education Department dated 16.07.2025. Writ Petition filed seeking a direction for stepping up of pay under Article 226 of the Constitution of India is not entertainable and in such circumstances, a direction may be issued to



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consider the applications in terms of G.O.Ms. No.164 School Education Department dated 16.07.2025.

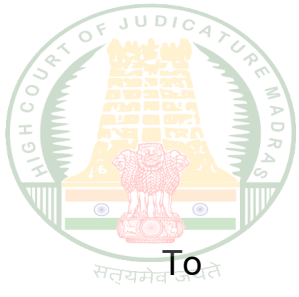
11.In view of the above position, the writ order dated 22.03.2024 made in WP No.24653 of 2021 is set aside. However the appellant is directed to consider the case of the respondent in terms of G.O.Ms.No.164 School Education Department dated 16.07.2025 as expeditiously as possible.

12.With these directions, the Writ Appeal stands allowed. No costs. W.M.P.No.16385 of 2026 is ordered and W.M.P.No.15970 of 2026 is closed.

(S.M.S.,J.) (N.S.,J.)
13-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST

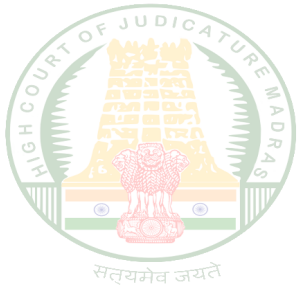


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