



WEB COPY



WA No. 1806 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-08-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

**WA No. 1806 of 2026 AND
CMP NO. 16414 OF 2026**

1. The Director of Elementary Education
DPI Campus,
Chennai 600 006.
2. The District Educational Officer
Tiruvannamalai.
3. The Block Educational Officer-I
Thurinjapuram Block,
Tiruvannamalai Dist.

..Appellants

Vs

S.Senthamarai
D/o. Swayamprakasam, Elementary School
Headmaster,
Panchayat Union Primary School, Pudunellimedu,
Thurinjapuram Block,
Tiruvannamalai District.

..Respondent

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 19-07-2023 made in WP.No.16162 of 2022.



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For Appellants : Ms.Y.Kavitha, Additional Government Pleader

For Respondent : Mr.N.U.Pressanna for Sole Respondent

Judgment

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

The Director of Elementary Education along with District Educational Officer and Block Educational Officer has preferred the present writ appeal challenging the writ order dated 19.07.2023 passed in W.P.No.16162 of 2022.

2.The facts in nut shell required for consideration of this writ appeal are that, the respondent was holding the post of Head Master, Primary School and retired from service. While he was in service, he completed B.Com degree, M.A.(History). He pursued Post Graduate degree in History without undergoing B.A.Degree course and thus it is not a valid degree. As far as B.Com degree is concerned, the learned Government Pleader would submit that the said course is not considered as a qualification for grant of incentive increment since the degree is of no use for imparting education to the children at Primary School level. The Scheme of incentive increment contemplates that higher educational qualifications acquired by the teachers must be in connection with the post in which they are working and such degree must contribute for imparting better education to the students.



3. The Scheme of incentive is to encourage the teachers to acquire higher educational qualification, which must be useful to the post in which such teaching staff are working. It is not as if every qualification acquired by the teacher is eligible for grant of incentive increment. The qualification should have relevancy to the post in which the teacher is working and in the present case, the essential qualification for the post of Head Master, Primary School is Diploma in Teacher Training and that being the factum, B.Com degree was not considered as a relevant degree for grant of incentive increment.

4. In the present case, incentive increment was wrongly granted by the district level authorities. During annual audit exercise, an objection was raised that one incentive increment for B.Com degree was erroneously granted to the respondent. It is in violation of G.O.Ms.No.134/2007, School Education Department dated 15.06.2007 and the consequential proceedings of the District Elementary Educational Officer vide proceedings dated 24.08.2016. Therefore, the excess amount of incentive increment paid to the respondent to the tune of Rs.1,32,240/- was sought to be recovered.

5. This Court is of the considered view that recovery of excess salary at this length of time from the respondent who has already retired from service



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would result in hardship. However, the erroneous fixation and wrong grant of increment is to be revised in accordance with the Pay Rules and Government Orders in force. In view of the above fact, this Court is inclined to set aside the recovery. The revision of pay as done by the establishment stands confirmed. In view of the fact that the writ petition also was allowed in part by setting aside the recovery alone, no further interference is called for. Accordingly, the writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
07-08-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST



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