



W.A.(MD).No.726 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.10.2023

CORAM

**THE HON'BLE MR JUSTICE S.M.SUBRAMANIAM  
AND  
THE HON'BLE MR JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.726 of 2016  
and  
C.M.P.(MD).No.4642 of 2016

- 1.The Director,  
The Directorate of School Education,  
College Road,  
Chennai.
- 2.The Chief Educational Officer,  
Educational Department,  
Theni,  
Theni District.
- 3.The Headmaster,  
Government Higher Secondary School,  
Uthamapalayam,  
Theni District.

.. Appellants/Respondents

Vs.

M.Raja

..Respondent/Petitioner

**PRAYER:** Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 17.04.2012 passed in W.P.(MD).No.12817 of 2011 on the file of this Court and thereby allow this appeal.



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For Appellants : Mr.D.Sadiq Raja  
Additional Government Pleader  
For Respondent : Mr.B.Prahalad Ravi

### **JUDGMENT**

**(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)**

The Writ Appeal has been instituted challenging the order dated 17.04.2012 passed in W.P.(MD).No.12816 of 2011.

2. The claim of the respondent for retrospective grant of incentive increment prior to the date of issuance of the Government Order was considered by the learned Single Judge, which resulted in filing of an intra-court appeal under Clause 15 of Letters Patent.

3. The learned Additional Government Pleader appearing on behalf of the appellants mainly contended that eligible incentive increment was granted to the respondent as per the Government scheme and the respondent set out a claim for retrospective grant of incentive increment, which is otherwise not contemplated under the Government Orders in force. The date of possessing the additional educational qualification is immaterial in



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respect of the post of Vocational Instructors, since the scheme was extended as a special case with prospective effect in G.O.Ms.No.240, School Education Department, dated 18.08.2010.

4. The scheme of incentive increment is a concession granted by the Government to the teachers to encourage them to acquire higher educational qualification for the benefits of the children studying in educational institutions. Since it is a concession, it is to be sanctioned strictly in accordance with the Government schemes and the Court cannot re-write or improve the eligibility criteria already fixed by the Government for grant of incentive increment to the teaching staffs.

5. In the present case, the respondent has already availed the benefit of incentive increment as per his eligibility in consonance with G.O.Ms. No.240 dated 18.08.2010. Therefore, the order of the learned Single Judge granting such incentive increment with retrospective effect is running counter to the scheme implemented by the Government and thus, we are inclined to consider the Writ Appeal.



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6. Accordingly, the order dated 17.04.2012 passed in W.P.(MD).

No.12817 of 2011 is set aside. Consequently, the Writ Appeal stands allowed. There shall be no order as to costs and connected miscellaneous petition stands closed.

(S.M.S.,J.) (V.L.N.,J.)  
06.10.2023

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
Lm

To

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**S.M.SUBRAMANIAM,J.**  
**and**  
**V.LAKSHMINARAYANAN,J.**

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