



W.P.No.1478 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 09.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.1478 of 2022
and W.M.P.No.1625 of 2022

M.Viswanathan

... Petitioner

-VS-

1.The Chief Educational Officer,
Vellore District,
Vellore.

2.The District Educational Officer,
Vellore Education District,
Vellore District.

3.The Headmaster,
Government High School,
Edayansathu,
Vellore District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned Proceedings issued by the 3rd Respondent in Na.Ka.No.003/2022 dated 06.01.2022 and to quash the same and consequently directing the Respondents to restore the incentive increment for M.A. degree qualification granted to the petitioner with all consequential and attendant benefits including the arrears of salary.

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For petitioner : Mr.S.Nedunchezhiyan

For respondents : Mr.P.Ananda Kumar
Government Advocate

ORDER

The petitioner seeks to quash the order of the 3rd respondent dated 06.01.2022 and consequently, to direct the Respondents to restore the incentive increment for M.A. degree qualification granted to the petitioner with all consequential and attendant benefits including the arrears of salary.

2.The brief facts which have culminated in the filing of the writ petition are set out hereinbelow.

2.1.The petitioner would submit that he had qualified with B.A.(English) in December 2009, B.Ed. in May 2012 and M.A. (English) in December 2012. He had also passed the Teachers Eligibility Test (TET) conducted in August 2013, on the basis of which, he was appointed as B.T.Assistant (English) in the School Education Department through the selection conducted by the Teachers Recruitment Board. At present, he is working as



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B.T.Assistant (English) in Government High School, Edayansathu,
Vellore District.

2.2.The Government has issued orders in G.O.Ms.No.42, Education Department, dated 10.01.1969, as per which, the Government had taken the policy decision to sanction incentive increment in favour of teachers who had acquired the additional qualification. Consequently, the Government had issued orders in G.O.Ms.No.1024, Education, Science and Technology Department dated 19.12.1993.

2.3.The petitioner would further submit that the Secondary Grade Teacher, on acquiring the B.Lit., degree qualification becomes eligible for the post of Tamil Pandit/BT Assistant (Tamil) as well as Middle School Headmaster. When the B.Ed., degree is acquired, it is considered to be an additional qualification, for which, the concerned teacher is eligible for grant of incentive increment. The incentive increment is however, restricted to a total of two for their entire career.



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2.4.In the light of the above, the petitioner who had qualified with M.A.(English) prior to the date of appointment was sanctioned with incentive increment for the additional qualification of M.A.Degree qualification from 26.09.2014. However, to the utter shock and surprise of the petitioner, by the impugned order, the incentive increment granted was sought to be cancelled and it was proposed to recover the amount that was already paid to the petitioner.

2.5.The petitioner would submit that he had acquired qualification of M.A.Degree during the academic year 2010-2011 and 2011-2012 through correspondence. This degree is also eligible for incentive increment as per the Government orders. Therefore, challenging the impugned order, the petitioner is before this Court.

3.A counter affidavit has been filed by the 1st respondent *inter alia* contending that the petitioner is not entitled to incentive increment. The 1st respondent would submit that the petitioner was



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selected by the Tamil Nadu Teachers Recruitment Board for appointment as B.T.Assistant (English) and consequently, he was appointed as B.T.Assistant as per the orders of the Joint Director of School Educaiton *vide* Rc.68682/E1/2014 dated 25.09.2014. Even prior to the appointment as B.T.Assistant, the petitioner had acquired B.Ed Degree in the month of May 2012 and M.A.(English) in the month of December 2012.

4.The petitioner had joined duty as B.T.Assistant on 26.09.2014. The 1st respondent would submit that the petitioner has wrongly interpreted and applied for incentive increment for M.A.degree from the date of his initial appointment. The audit objection had been made where it is pointed out that the incentive increment sanctioned to the petitioner is inadmissible and consequently, directions were issued to recover the same.

5.Thereafter, the 3rd respondent had passed orders in RC.3/2022 dated 06.01.2022, refixing the pay of the petitioner



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excluding the incentive increment for M.A.degree and the excess amount already paid was sought to be recovered.

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6.The respondents would further submit that the petitioner had acquired M.A.degree in the month of December 2012 well before he had entered service as teacher. There is no Government orders for sanction of incentive increment for higher degree qualification acquired prior to joining the Government service and the additional qualification acquired prior to that cannot be taken into consideration and therefore, the respondents sought for the dismissal of the writ petition.

7.Heard the learned counsel on either side and perused the materials available on record.

8.At the outset, the petitioner had been sanctioned the incentive increment in the year 2014 itself and for over eight years, the petitioner has been receiving the incentive increment till the date



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of the impugned order. The impugned order has been issued eight years later, by which time the petitioner has been continuously receiving the additional income.

9.The question as to whether the degree obtained prior to the appointment has been considered by another learned Single Judge in the judgment made in W.P.(MD).No.9549 of 2014. The question before the learned Judge was whether the incentive increment should be given only to persons who had acquired qualifications subsequently or also to the persons who have appointed with higher qualification.

10.The learned Single Judge had taken into consideration the judgment of the Hon'ble Division Bench of this Court in the case of ***R.Premkumari vs State of Tamil Nadu and others***, reported in ***(2008)5 MLJ 1349***, wherein, the petitioner had been granted incentive increment for having obtained M.Ed., qualification and another incentive increment for having obtained M.Phil.,



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qualification. However, the incentive increment was sought to be recovered in the light of the letter issued by the Director of School Education, dated 18.10.2000, indicating that the teachers who were appointed between 01.01.1996 and 13.04.1998 were not eligible to the incentive increment.

11.The Hon'ble Division Bench, after hearing the parties as length in the said case, has observed as follows:

“Even the subsequent G.Os or the clarifications, no where indicate that in order to be eligible for getting incentive increment, the person has to acquire such higher qualification only after entering into service and not otherwise. Therefore, we are unable to accept the conclusion of the learned single Judge that a person who enters into service after having acquired a higher qualification, is not entitled to get incentive increments.”

The aforesaid decision applies in all fours to the case in hand.

12.The learned Single Judge in the case of W.P.(MD).No.9549 of 2014 had observed as follows:

“4.Since the Division Bench has held that the appellant therein is entitled to get incentive increment



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for having entered into service with higher qualification, the petitioner in the present writ petition is also entitled to succeed. The Honourable Division Bench, after considering the object behind the grant of incentive increment to the teachers for acquiring higher qualification, has specifically held that if the incentive increment was granted to a lower qualified persons for acquiring higher qualification after entering into service, such incentive increment should be granted to a person, who possessed higher qualification at the time of appointment.”

Therefore, I do not see any reason as to why the petitioner who was similarly placed should not be given the benefit of the above said order.

Accordingly, the writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petition stands closed.

09.12.2025

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
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To

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P.T.ASHA, J.,

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