



W.P.No.1571 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.1571 of 2024
And
W.M.P.No.1598 of 2024**

- 1 B.RADHIKA
- 2 N.NAGALAKSHMI
- 3 A.RAHIMA BEEVI
- 4 A.VIJAYALAKSHMI
- 5 C.JAMUNA RANI
- 6 M.RAJALAKSHMI
- 7 SARAH GEORGE
- 8 A.MARIA AUXILIA
- 9 P.DEVI
- 10 S.SATHIYA
- 11 M.ANTONY MARY
- 12 S.SAHAYA VALENTINA
- 13 K.SELVI
- 14 K.LAKSHMI
- 15 M.VETHAMARY
- 16 R.SURESH
- 17 A.ARUNA VIJAYALAKSHMI
- 18 C.DEVI
- 19 G.SREETULASI
- 20 G.BUVANESHWARI
- 21 J.NAGASORNAMUGI
- 22 G.P.SELVI
- 23 N.KANDHASAMI
- 24 V.KASTHURI
- 25 S.MARIA PRASENNA
- 26 B.LATHA
- 27 K.AMUDHAKOWSALYA
- 28 S.SELVAKUMAR
- 29 T.MANIMEGALAI



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- 30 T.PACKIASUNDARI
31 A.VANITHA PARVATHY
32 K.SULOCHANA
33 G.THAMIZHARASAN
34 P.PUGAZHARASU
35 P.PADMAVATHI
36 M.VADIVELU
37 A.GOPI
38 K.V.MANJULA
39 S.USHA RANI
40 C.PREMKUMARI
41 P.TRYBOSE RAJABAI
42 K.NIRMALA
43 V.RADHA
44 P.S.SHARMILA
45 P.M.P.SUCILA DEVI
46 S.NIRMALA
47 A.SANKAR
48 C.THIRUNAVUKKARASU
49 M.MAHALAKSHMI
50 L.GEJALAKSHMI
51 T.MALARKODI
52 B.RHAMADEVI
53 R.NALINI
54 P.KASTHURI SORNA SHENBAGAM
55 P.NAGAMANI
56 H.RAJEYAMMAL
57 M.RAJATHI
58 V.PRADEEPA
59 A.GAYATHRI
60 B.MARY RAPHELA
61 M.KANIMOZHI
62 C.NARGIS RATHINA RANI
63 P.PADMAVATHY
64 P.PALANI
65 Y.A.M.DURAI
66 K.THILAK
67 M.MAHADEVI
68 R.SARASWATHI
69 S.SHANTHI KAMALAM



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- 70 B.USHA
71 G.SIVAJOTHI
72 V.HEMA
73 S.JONA ELISABETH
74 K.BHAVANI
75 S.SRIDEVI
76 R.RAMANI
77 S.MANIKANDAN
78 V.NANDHINI
79 L.S.VIJAYALAKSHMI
80 S.RAJALAKSHMI
81 S.KUMARI LATHA
82 S.SAMBATHKUMAR
83 A.EMMANUVEL
84 S.VIOLET VITTA BAI
85 A.THIRUMAL
86 L.FRANCIS
87 S.YASEEN BASHA
88 G.RAJASEKAR
89 K.KALAVATHI
90 R.SUGANTHI
91 M.MAHESWARI
92 S.KARUNANITHI
93 S.SATHIYABAMA
94 M.SENTHILKUMARI
95 V.AMUDHA
96 K.SIVAGAMASUNDARI
97 G.RAMAMOORTHY
98 V.PRADHIPA
99 M.NAVANEETHA KRISHNAN
100 G.SHANTHINI

... Petitioners

Vs.

- 1 THE STATE OF TAMIL NADU,
REP. BY ITS CHIEF SECRETARY TO GOVERNMENT,
HUMAN RESOURCES MANAGEMENT (FR.IV) DEPARTMENT,
FORT. ST GEORGE,
CHENNAI – 600 009.



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- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT,
FORT. ST GEORGE,
CHENNAI – 600 009.
- 3 THE DIRECTOR,
TAMIL NADU GOVERNMENT AUDIT DEPARTMENT,
NO.571, OFFICERS BUILDING,
VETERINARY HOSPITAL CAMPUS,
4TH FLOOR, ANNA SALAI,
NANDANAM,
CHENNAI – 600 035.
- 4 THE JOINT DIRECTOR (PERSONNEL)
SCHOOL EDUCATION DEPARTMENT,
DPI COMPLEX, COLLEGE ROAD,
CHENNAI – 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in G.O.Ms.No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023 and quash the same in so far as the said government order has in paras 7 and 8 made an unreasonable classification violative of Article 14 of the Constitution between claims for additional incentive for having acquired the additional qualification prior to 10.03.2023 which are pending or not made as on 10.03.2020 being the date of G.O.Ms.No.37 Personnel and Administrative Reforms (FR-VI) Department and claims for additional incentive which have already been processed and sanctioned prior to 10.03.2020 will be continued to receive incentive in the salary and consequently direct



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the first respondent to grant the first or second incentive, as the case may be, for the petitioners who have acquired additional qualification prior to 10.03.2020 and are eligible for sanction of increment in their salary.

For Petitioners : Mrs.Nalini Chitambaram
Senior Counsel
for M/s.C.Uma
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging paras 7 and 8 of G.O.Ms.No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023 issued by the first respondent and for direction to the first respondent to grant the first or second incentive, as the case may be, for the petitioners who have acquired additional qualification prior to 10.03.2020 and are eligible for sanction of increment in their salary.

2.The learned Senior Counsel appearing for the petitioners submitted that the petitioners are serving Teachers and they obtained prior permission for acquiring higher educational qualification and obtained higher educational qualification prior to G.O.Ms.No.37,



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Personnel and Administrative Reforms (FR-VI) Department, dated 10.03.2020 and they made application to the respondents prior to G.O.Ms.No.37, however, the respondents did not pass any order in view of G.O.Ms.No.37, Personnel and Administrative Reforms (FR-VI) Department, dated 10.03.2020, G.O.Ms.No.116 dated 15.10.2020, G.O.Ms.No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023, thereby, challenging paras 7 and 8 of G.O.Ms.No.95, dated 26.10.2023, which provides for lumpsum amount, the petitioners filed the present writ petition.

3.The learned Senior Counsel appearing for the petitioners further submitted that the issue involved in the writ petition is no longer res integra and the same has already been decided by the Hon'ble Division Bench of this Court in W.A.Nos.3491 and 3496 of 2024 [A.Sundari and others Vs. The State of Tamil Nadu and others] dated 03.12.2024, the Hon'ble Division Bench of the Madurai Bench of this Court in W.A(MD) No.975 of 2024 [The Director of Elementary School Education and two others Vs. M.Fatima Vijaya Latha and another] dated 12.06.2024, the Hon'ble Division Bench of the Madurai Bench of this Court in W.A(MD) No.1052 of 2024 [The State of Tamil Nadu, Represented by its Secretary and others Vs. A.Govindasamy and



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others] dated 21.06.2024, the Hon'ble Division Bench of this Court in W.A.No.2979 of 2025 [M.Bathirasamy and others Vs. State of Tamil Nadu, Represented by its Chief Secretary to Government and two others] dated 10.10.2025.

4.The learned Senior Counsel appearing for the petitioners further submitted that this Court may issue direction to the respondents to process petitioners individual application made prior to G.O.Ms.No.37, dated 10.03.2020, if they had acquired higher educational qualification with prior permission and grant increment for the petitioners who have acquired additional qualification prior to 10.03.2020.

5.The learned Special Government Pleader submitted that as against the order passed by the Hon'ble Division Bench of this Court in W.A.Nos.3491 and 3496 of 2024, review petitions are pending in Review Application Nos.97 and 98 of 2025, however, no interim order was passed.

6.The issued involved in the writ petition is whether the relevant Government Order is applicable prospectively or



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retrospectively. The Hon'ble Division Bench of this Court concurrently held that the Government Order is applicable only prospectively and not retrospectively.

7.In view of the above, this Court direct the respondents to process the petitioners individual application if they satisfy the norms prescribed in G.O.Ms.No.37, dated 10.03.2020 and pass appropriate orders on the individual application, within a period of twelve weeks from the date of receipt of a copy of this order, on the basis of the order passed by the Hon'ble Division Bench of this Court, however, the order passed by the respondents to the individual petitioner is subject to the result of the review petitions pending in Review Application Nos.97 and 98 of 2025.

8.The writ petition is disposed of on the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

02.12.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

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To

- 1 THE CHIEF SECRETARY TO GOVERNMENT,
HUMAN RESOURCES MANAGEMENT (FR.IV) DEPARTMENT,
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CHENNAI – 600 009.
- 2 THE STATE OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT,
PERSONNEL AND ADMINISTRATIVE REFORMS DEPARTMENT,
FORT. ST GEORGE,
CHENNAI – 600 009.
- 3 THE DIRECTOR,
TAMIL NADU GOVERNMENT AUDIT DEPARTMENT,
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4TH FLOOR, ANNA SALAI,
NANDANAM,
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- 4 THE JOINT DIRECTOR (PERSONNEL)
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