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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

W.P. Nos.16095, 16096 & 8967 of 2016

and

W.M.P.Nos.5808 & 24111 of 2017, 7972, 13896 & 13894 of 2016

W.P. No.16095 of 2016

1. A.Gangadharan,
S/o.M.Annamalai, B.T.Assistant
(Physics), Government Girls High
School, Panamalaipettai, Villupuram
District-605 201.

2. M.Annal Mary,
W/o.M.Antony, B.T.Assistant
(Chemistry), Government High School,
Kalpattu, Villupuram District.

3. M.Vilvapathy,
S/o.M.Murugamudali, B.T.Assistant
(Science), Government High School,
Vengoor-605 751, Villupuram District.

4. K.Elumalai,
S/o.A.Kandasamy, B.T.Assistan
(Maths), Government Higher
Secondary School, Thirukovilur-605
757, Villupuram District.

5. R.Kumar,
S/o.Ramasamy, B.T.Assistant (Science),
Government Higher Secondary School,
Sinthalingamadam, Villupuram District.

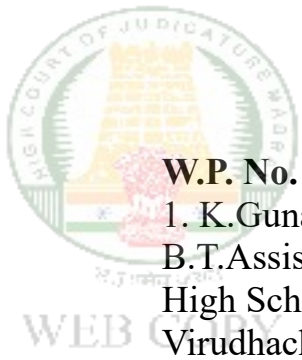
Petitioner(s)



Vs

1. The Government of Tamil Nadu
rep. by Principal Secretary to
Government, School Education
Department, Fort St. George,
Chennai-600 009.
2. The Director of School
Education, College Road, Chennai-600
006.
3. The District Educational
Officer, Villupuram District,
Villupuram.
4. The Regional Accounts Officer
(Audit), Department of School
Education, Town Hall, Coimbatore.
5. The Headmaster,
Government Girls High School,
Panamalaipettai, Villupuram
District-605 201.
6. The Headmaster,
Government High School, Kalpattu,
Villupuram District.
7. The Headmaster,
Government High School, Vengoor 605
751, Villupuram District.
8. The Headmaster,
Government Higher Secondary School,
Thirukovilur 605 757, Villupuram
District.
9. The Headmaster,
Government Higher Secondary School,
Sinthalingamadam, Villupuram District.

Respondent(s)



W.P. No. 8967 of 2016

1. K.Gunasekaran
B.T.Assistant (Science) Government
High School, Pudhukuraipettai,
Virudhachalam Taluk, Cuddalore
District 606 003

2.K.Selvagandhi
B.T.Assistant (Maths) Government
High School, Palaynkottai (Po)
Kattumannarkoil Taluk, Cuddalore
District 608 701

3.L.Jeyachandran
B.T.Assistant (Science) Government
High School, Periyanesalur, Veppur
Taluk, Virudhachalam, Cuddalore
District 606 304

4.K.Santhanam
B.T.Assistant (Maths) Government
High School, Pudhukuraipettai,
Virudhachalam Taluk, Cuddalore
District 606 003

5.G.Govindan
B.T.Assistant (Maths) Government
Girls High School, Tholudur, Tittagudi
Taluk, Cuddalore District 606 303

6.P.Sivakumar
B.T.Assistant (Science) Government
Girls High School, Nallur, Veppur
Taluk, Cuddalore District

Petitioner(s)

Vs

1. The Government of Tamilnadu
rep. by Principal Secretary to
Government, School Education
Department, Fort St. George, Chennai
600 009



2.The Director of School
Education, College Road, Chennai-6

3.The Chief Educational Officer
Cuddalore District, Cuddalore

4.The District Educational
Officer, Virudhachalam, Cuddalore
District, Cuddalore

5.The Regional Accounts Officer
(Audit) Department of School
Education, Town Hall, Coimbatore

6.The Headmaster
Government High School,
Pudhukuraipettai, Virudhachalam
Taluk, Cuddalore District 606 003

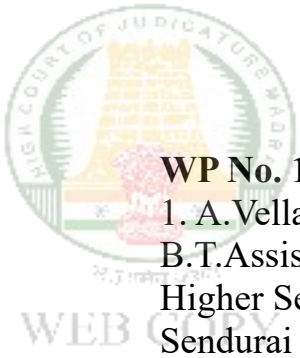
7.The Headmaster
Government High School,
Palayankottai (Po) Kattumannarkoil
Taluk, Virudhachalam, Cuddalore
District 608 701

8.The Headmaster
Government High School,
Periyanesalur, Veppur Taluk,
Virudhachalam, Cuddalore District 606
304

9.The Headmaster
Government Girls High School,
Tholudur, Tittagudi Taluk, Cuddalore
District 606 303

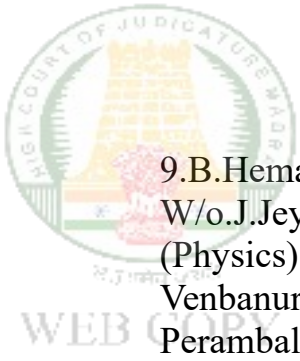
10.The Headmaster
Government Girls High School, Nallur,
Veppur Taluk, Cuddalore District

Respondent(s)



WP No. 16096 of 2016

1. A.Vellaisamy, S/o.A.Annadurai,
B.T.Assistant (Physics), Government
Higher Secondary School, Ponparappi,
Sendurai Taluk, Ariyalur District-621
710.
- 2.R.Ayyasamy, S/o.Rajangam,
B.T.Assistant (Science), Government
High School, Salaiyakkurichi,
Ottakkovil Post, Ariyalur Taluk and
District-621 710.
- 3.M.Muruganantham,
S/o.V.Murugaiyan, B.T.Assistant
(Physics), Government High School,
Vilangudi, Ariyalur Taluk and
District-704.
- 4.E.Karthikeyan, S/o.S.Elangovan
B.T.Assistant (Chemistry), Government
High School, Anganur, Sendurai Taluk,
Ariyalur District.
- 5.M.A.Pazhanivel,
S/o.Annamalai, B.T.Assistant (Science),
Government Higher Secondary School,
K.Ambapur, Ariyalur District-704.
- 6.R.Jeyanthi,
D/o.M.Raju, B.T.Assistant (Science),
Government High School,
Keelaiyur-621 707, Ariyalur District.
- 7.A.Indra Nehru,
D/o.Ayyakannu, B.T.Assistant (Maths),
Government Higher Secondary School,
Thuraiyur Road, Perambur-212.
- 8.A.Rajarajan, S/o.C.Alagu,
B.T.Assistant (Maths), Government
High School, Venbavur, Perambalur
District-621 116.



9.B.Hemalatha,
W/o.J.Jeyachandar, B.T.Assistant
(Physics), Government High School,
Venbanur, Veppanthattai Taluk,
Perambalur District-116.

10.S.Nidhya,
D/o.G.Shanmugasundaram,
P.G.Assistant(Physics), Government
Higher Secondary School,
Keelakavatankurchi, Ariyalur District.

11.A.Kamalakannan,
S/o.N.Arumugam, P.G.Assistant
(Physics), Government Higher
Secondary School, Chettikulam,
Perambalur District.

Petitioner(s)

Vs

1. The Government of Tamil Nadu,
Rep.by Principal Secretary to
Government, School Education
Department, Fort St.George,
Chennai-600 009.

2.The Director of School
Education, College Road, Chennai-006.

3.The Chief Educational Officer,
Ariyalur District, Ariyalur.

4.The Chief Educational Officer,
Perambalur District, Ariyalur.

5.The District Educational
Officer, Ariyalur, Ariyalur District.

6.The District Educational
Officer, Perambalur, Perambalur
District.

Respondent(s)



WP No. 16095 of 2016

PRAYER

Calling for the records of the 1st respondent in relation to the proceedings issued in Letter (Ms) No.129 School Education PK5(2) 2013-1 dated 17.07.2013 and quash the same in so far as the petitioners are concerned and issue a consequential direction to the respondents to grant incentive increment for M.Phil. degree from the date following the last date of the examination.

WP No. 8967 of 2016

PRAYER

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PRAYER

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Appearance in all the Writ Petitions

For Petitioner(s): Mr.R.Saseetharan

For Respondent(s): Raja Rajeswari GA for
Respondents

COMMON ORDER

The writ petitioners in the present writ petitions are working as B.T. Assistants (School Assistants) under the service of the first respondent i.e., the



Tamil Nadu School Educational Subordinate Service, i.e., High School Service.

The petitioners have qualified M.Phil and have sought for the incentive increment.

2.The petitioners were granted incentive increments for the second time for M.Phil as per the G.O.(1D)No.18 School Education Department, 18.01.2013, from the date following the date of last examination of their degree. However, the impugned letter of clarification was issued by the Government, Principle Secretary, on 17.07.2013, clarifying that the B.T.Assistants are entitled for incentive increment for second time for M.Ed. or M.Phil or Ph.D as per the G.O.(1D)No.18 School Education Department 18.01.2013, but the said incentive increment for the second time has to be sanctioned from the date of the issue of the G.O. i.e., from 18.01.2013 and not from the date following the date of last examination of their degree. In view of the clarification given in way of the impugned letter, the Department has passed an order of recovery of the amount that has been sanctioned to the petitioners from the date of last examination of their degree till the date of issuance of the G.O.

3.Aggrieved by the order of recovery of the incentives that were already paid, the writ petitioners are before this Court. The writ petitioners further seek to direct the Government/1st respondent to pass an order clarifying that the

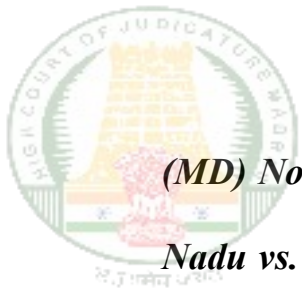


grant of incentives from the date following the date of last examination of the degree i.e., M.Ed. or M.Phil or Ph.D is correct and shall be continued and the Government letter, dated 17.07.2013, directing incentive increment for the second time has to be sanctioned from the date of issuance of the G.O. i.e., from 18.01.2013 has to be quashed.

4.The learned counsel appearing for the petitioner would submit that in view of the Rule F.R.26(2), the payment of the incentive should be from the date following the date of last examination of the degree, and it reads as follows:

(2)In cases where the passing of an examination or test confers on the Government servant the title to any right, benefit or concession, such title should be deemed to have accrued on the day following the last day of the examination or test which he passed. In cases where the examination or test can be passed in instalments, the title to the right, benefit or concession will be deemed to have accrued on the day following the last day of the examination in the subject or subjects in which he has passed.”

5.The learned counsel for the petitioner relied on the judgement of learned Single Judge of this Court passed in ***W.P.No.2912 of 2016 dated 09.01.2023***, in the case of ***S.Suriaprakasam and others vs. Government of Tamil Nadu*** also the judgement of the learned Additional Bench passed in ***W.A.***



(MD) No.1556 of 2025 dated 22.08.2025, in the case of **Government of Tamil**

Nadu vs. R Bhaskar. On the basis of the said judgements, the learned counsel

would argue that though the said G.O. was passed on 18.01.2013, however, by virtue of the Rule F.R. 26(2), the petitioners are entitled to the incentives as paid by the respondents and further in view of the impugned clarification, the said payment that was made, cannot be recovered since the payments are in accordance with the Ruling F.R. 26(2).

6.On the other hand, the counsel appearing of the respondents stated that the incentives can be granted prospectively and that too from the date of the said G.O., i.e., 18.01.2013. Unless the G.O. specifies the retrospectivity, the question of granting the incentives from the date following the date of last examination of the degree does not arise. The learned counsel relied on the judgement of the Hon'ble Division Bench of this Court passed in **W.A.Nos. 392 of 2025 and batch dated 21.04.2025** in the case of **The Secretary to Government, School Education Department vs. A.Thiru Kumaran** for supporting his submission.

7.The dispute in question is whether incentive increment for the second time has to be sanctioned from the date of issuance of the G.O. i.e., from 18.01.2013 or from the date following the date of last examination of the degree.



8.In the judgement cited supra by the learned counsel for the respondents, the learned Division Bench of this Court was also dealing with G.O.(1D)No.18 School Education Department and found that the said G.O. will be applicable prospectively unless it is explicitly stated in the G.O. regarding retrospective effect and no such incentives can be granted retrospectively.

9.Having gone through the learned Division Bench Judgement in W.A.Nos. 392 of 2025 and batch, dated 21.04.2025 and also the impugned letter, Rule F.R. 26 was neither discussed nor considered. The said rule which is extracted, clarifies that the Government servant who is passing the examination would be entitled to any right / benefit or concession and such entitlement would be accrued on the day following the last date of the examination or test which the Government servant has passed. It is not disputed that all the petitioners herein have qualified M.Phil and they were granted the incentive increment from the date of the last examination of their degree respectively.

10.More particularly neither the letter nor the judgement of the learned Division Bench refers to the Rule F.R.26. Therefore, the said letter cannot be sustained nor can any reliance be placed on the learned Division Bench judgement, since the said Rule has not been referred to.



11.In view of the above discussion, the petitioners are entitled to the increment from the last date of passing the qualifying the examination though the G.O. is dated 18.01.2013. Needless to say that the order of recovery of the amount that has been sanctioned to the petitioners from the date of the last examination of their degree respectively, till the date of issuance of the G.O. cannot be sustained.

12.Accordingly, the writ petitions are allowed. Impugned communication is quashed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

Sha

04-11-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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10.The Headmaster
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WP No. 16096 of 2016

To

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WEB COPY

W.P. Nos.16095, 16096 & 8967 of 2



K.SURENDER J.

Sha

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04-11-2025