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W.P.No.13925 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.12.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.13925 of 2023
and WMP.No.13584 of 2023

V.Radha

... Petitioner

Vs

1.The District Chief Education Officer
Krishnagiri District
Krishnagiri.

2.The Head Master
Government Higher Secondary School
Immidi Nayakanapalli
Krishnagiri District
Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records in respect of the proceedings of the 1st respondent in Na.Ka.No.8185/A2/2022 dated 28/3/2023 specified under the heading “service register-ineligible salary increments” in respect of petitioner and order dated 11.4.2023 passed by the 2nd respondent in Na.Ka.No.41/2023 and quash the same and consequently, direct the respondents to pay incentive to the petitioner regularly and pass orders.



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For Petitioner : Mr.D.Rajagopal

For Respondents : Mr.S.Prabhakaran
Government Advocate for R1 & R2

ORDER

The above writ petition has been filed to quash the proceedings of the respondents in Na.Ka.No.8185/A2/2022 dated 28/3/2023 and Na.Ka.No.41/2023 dated 11.04.2023 respectively and to direct the respondents to pay incentive to the petitioner regularly.

2. The case of the petitioner is that she possessed the qualification of B.A. (History). After completing her B.Ed., degree, she joined the Government Higher Secondary School, Immidi Nayakanapalli, the second respondent herein on 25.09.2014 and was working there till date. In the year 2017, she joined M.A.(History) in Periyar University and completed her course successfully in the year January 2019. Thereafter, she had applied for her incentive for possessing higher qualification. Vide proceedings of the second respondent dated 10.06.2020, she was granted incentive.

3. Be that as it may, to her shock and surprise, she was issued with the proceedings of the second respondent dated 11.04.2023, in and by which, the



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petitioner was informed that by virtue of G.O.(Ms) No.37 Personnel and Administrative Reforms (FR.IV) Department dated 10.03.2020, the grant of incentives / increment has been dispensed / cancelled and therefore, the grant of incentive which the petitioner is entitled to for possessing higher qualification, stands cancelled and that apart, she was also required to repay the incentive amounts which was received by her, forthwith in one instalment. Further, she was also required to furnish her reduced salary details to the respondent. The District Chief Education Officer, Krishnagiri, in Na.Ka.No.8185/A2/2022 dated 28.03.2023, *inter alia* has ordered to take action on the teachers who had received their incentives, and this proceedings finds a place in the impugned proceedings of the second respondent.

4. Aggrieved by the said proceedings of the respondents, the petitioner had submitted her representation dated 12.04.2023.

5. The learned counsel appearing for the petitioner would submit that without issuing any notice and without providing the details of the said G.O., the second respondent has issued the impugned proceedings requiring the petitioner to settle the incentive amounts already granted to her in one instalments, is a clear violation of principles of natural justice. Further, the



impugned order do not provide the details regarding the incentives granted to the petitioner. For the above reasons, the impugned order is liable to be quashed.

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6. The learned counsel for the petitioner would further submit that by G.O.Ms.No.116 dated 15.10.2020, the Government had clarified G.O.Ms.No.37 dated 10.03.2020, in and by which, it clarified that with regard to sanction of increment, the cases of government servants who had recruited before 10.03.2020 and had acquired higher qualification, should be processed as per para 6(iv) of G.O.Ms.No.37 in consultation with Personnel and Administrative Reforms Department and appropriate orders have to be issued before 31.03.2021. The petitioner's apprehension is that the second respondent without consulting the authorities concerned, had issued the impugned order.

7. The main contention of the petitioner is that prior to the passing of the said G.O., she had completed her M.A degree in January 2019, after obtaining due permission from the Director of School Education in the year 2017. Therefore, she is entitled to receive the incentive. Since her representation was not considered by the second respondent, the petitioner is before this Court.



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8. The learned counsel appearing for the petitioners would submit that the Madurai Bench of this Court in W.P(MD) No.27556 of 2023, has dealt with this issue in detail and had quashed Clause 6(iv) of G.O.Ms.No.37 dated 10.03.2020 and had directed the respondents to sanction advance increment for the Government teachers who possessed higher qualifications, as per the relevant G.Os., which were prior to G.O.Ns.No.37 dated 10.03.2020.

9. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

10. The petitioner herein who possessed B.A.(History) B.Ed., degree had joined the second respondent school. Subsequently, after obtaining due permission from the Director of School Education, she had applied for M.A., degree course in the year 2017 and completed her course in the year 2019. According to the petitioner, she was entitled to receive incentive. When she had applied for the incentive which she is entitle to for possessing the M.A decree, she was served with the impugned proceedings dated 11.04.2023 by the second respondent.

11. The only grievance of the petitioner is that the right available to her



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much prior to issuance of G.O.Ms.No.37, cannot be taken away by the Government with issue of G.O.Ms.No.37. Therefore, she contends that her right to obtain advance increment in view of her higher qualification can be considered only in reference to the previous orders issued by the Government and not with reference to G.O.Ms.No.37 dated 10.03.2020, by which the scheme of advance increment has been brought to halt.

12. Admittedly, in the year 1969, the Government of Tamil Nadu had taken a decision to grant incentive to the teachers who acquired higher qualification and the same has been given effect to by G.O.Ms.No.42, Education Department dated 10.01.1969. Vide G.O.Ms.No.1023, Education, Science and Technology Department, dated 09.12.1993, it has been clarified by the Government that the teachers who acquire higher qualifications are entitled for a maximum of two sets of incentive/increments. However, through the issue of G.O.Ms.37, this incentive was sought to be withdrawn. Under Clause 6(iv) therein, where it was stated that the advance increment has to be sanctioned by the Administrative Department after getting the concurrence of the Finance Department, thereby an incentive to which a person was automatically entitled to, was altered to one available only on sanction. Thereafter, a clarification order in G.O.Ms.No.116 dated 15.10.2020 was issued clarifying G.O.Ms.No.37.



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In the meantime, the second respondent vide proceedings dated 10.06.2020 had ordered for grant of petitioner's 1st incentive, wherein it also finds a mention that the 2nd incentive date would start from July 2020. Be that as it may, the Government had also issued G.O.Ms.No.120 dated 11.11.2021 which provides guidelines in implementing G.O.Ms.No.37; and yet another G.O. in G.O.Ms.No.95 dated 26.10.2023, which relates to providing guideline with respect to grant of lump sum amount for acquiring additional education qualification instead of grant of incentive increment. Therefore, the G.O.Ms.Nos.116, 120 and 95 are consequential orders issued by the Government to give effect to G.O.Ms.No.37 dated 10.03.2020.

13. The Madurai Bench of this Court in W.P.(MD)No.27556 of 2023 and etc.,batch cases, had dealt in detail the above G.Os and also by relying upon the judgments of the Hon'ble Apex Court, has come to the conclusion that Clause 6(iv) of G.O.Ms.No.37 dated 10.03.2020 has to be set aside and accordingly it quashed the same and had directed the respondents to sanction advance increments for the teachers who acquire higher qualification, in par with relevant G.Os, which was issued prior to G.O.Ms.No.37 dated 10.03.2020. Relevant paragraph in W.P.(MD)No.27556 of 2023 is extracted hereunder :

“10.4 Finally this Court is bound to issue the following directions:-

(i) The Teachers who have acquired higher educational



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qualification before 10.03.2020 and whose application for grant of incentive in the scale of pay are pending are entitled to sanction of eligible incentive increments, in terms of the relevant G.Os prior to G.O.Ms.No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020.

(ii) The Teachers who have acquired higher educational qualification before 10.03.2020 and who have not made any application for grant of incentive increment in the scale of pay are entitled to sanction of eligible incentive increments, in terms of relevant G.Os prior to G.O.Ms.No.37, once an application is made in this regard and the same is automatic.

(iii) The shift in policy by introducing lump sum reward to employees acquiring higher education qualification on or after 10.03.2020 vide G.O.Ms.No.120, Human Resource Management (FR-IV) Department, dated 01.11.2021 and G.O.Ms.No.95, Human Resource Management (FR-IV) Department, dated 26.10.2023 is upheld.”

14. This Court is of the view that the judgment of the Madurai Bench of this Court cited supra would squarely apply to the case on hand. Therefore, in the light of the above judgment, the impugned orders which came to be passed by the second respondent, by drawing reference to G.O.Ms.No.37 dated 10.03.2020, and the proceedings of the first respondent in Na.Ka.No.8185/A2/2022 dated 28.03.2023, have to be set aside.



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15. In the result, the writ petition is allowed and the orders of the first and second respondent impugned herein are hereby quashed. The respondents are directed to sanction advance increments to the petitioner which she is entitled to, in possessing higher qualification. No costs. Consequently, connected miscellaneous petition is closed.

18.12.2025

Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking orders

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Krishnagiri District



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P.T. ASHA, J,

ds

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