



W.P.No.24807 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.No.24807 of 2025
and
W.M.P.No.27962 of 2025

U.Radhakrishnan

... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Nagapattinam
Nagapattinam District.

2.The Block Educational Officer – I
Thirumarugal
Nagapattinam District.

3.The Secretary
Madaraiya Government Aided Primary School
No.7, Pallivasal Street,
P.Konthagai
Thittachery
Nagapattinam District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the entire records relating to



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the order dated 20.06.2025 made in Na.Ka.No.524/A1/2025 on the file of the second respondent herein and quash the same.

For Petitioner : Mr.C.Munusamy

For R1 and R2 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

By consent of both the learned counsel for the parties, the Writ Petition is taken up for final disposal, at the admission stage itself.

2. The instant writ petition has been filed with a prayer for issuing a Writ of Certiorari, calling for the entire records relating to the order dated 20.06.2025 made in Na.Ka.No.524/A1/2025 on the file of the second respondent herein and quash the same.

3. Heard the learned counsel for both sides and perused the materials available on record.

4. The learned counsel for the petitioner would submit that the



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petitioner was appointed as Secondary Grade Teacher in the 3rd Respondent/School on 01.10.1997 and thereafter, he was granted Selection Grade on 01.10.2007 and Special Grade on 01.10.2017. It is the submission of the petitioner that as per G.O.Ms.No.42, Education Department, dated 10.01.1969, the Secondary Grade Teacher, who acquired B.Ed., degree is entitled to have one increment and such increment was conferred upon the petitioner by the 2nd respondent, vide Proceedings in Na.Ka.No.637/A1/2015, dated 17.11.2015. However, without taking into consideration of such conferment and the entitlement of the petitioner, the 2nd respondent passed impugned order on 20.06.2025 revoking such an increment with effect from 03.01.2015 and ordered for recovery.

5. The learned counsel for the petitioner would submit that the Division Bench of this Court in W.A.No.225 of 2025, vide judgment dated 17.02.2025, relied upon the earlier Division Bench judgment in **Chief Educational Officer, Salem vs. M.Menaka Madhavan**, has held as follows:-

*“2. Similar question came up before a Division Bench of this Court in **Chief Educational Officer, Salem Vs. M.Menaka Madhavan** and by judgment dated 03.01.2025, the Division Bench has affirmed the conclusion of the learned single Judge to*



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the effect that the respondent would be entitled to one advance increment for acquisition of B.Ed., degree, which is certainly a higher qualification for a secondary grade Teacher. While doing so in paragraph 7 of the judgment, it observed as follows:-

"7. The said submission does not have any force for the simple reason that the B.Ed. Degree acquired is certainly a higher qualification insofar as a Secondary Grade Teacher is concerned, because the qualification to hold the post of Secondary Grade Teacher is Secondary Grade Teacher Training alone. When that being so, for very long years, the practice of sanctioning advance incentive increment for having acquired the qualification of B.Ed. Degree, which has been in vogue, cannot be put against the respondent/writ petitioner by revoking the benefit already conferred on her."

6. Hence, it is the submission of the petitioner that the B.Ed., degree being a higher qualification, he is entitled for one increment.

7. At this juncture, the learned Special Government Pleader appearing for the respondents 1 and 2 would fairly concede the above position and submit that whoever acquired the B.Ed., degree is entitled for an increment.



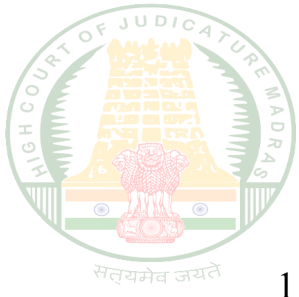
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8. I have given my anxious consideration to the submissions made on either side.

9. While perusing the impugned order, there is a reference in respect of W.P.(MD).No.22704 of 2018, dated 20.01.2025, which is not similar to the facts of the present case as we deal the issue of increment for obtaining B.Ed., degree. Therefore, the above precedent is not applicable to the facts of this case, and the judgment of the Hon'ble Division Bench in (W.A.No.225 of 2025) is squarely applies to the facts of the case.

10. In such view of the position of law as laid down in the judgment of the Division Bench of this Court in, ***The State of Tamil Nadu, Represented by its Principal Secretary to Government vs. Amsa*** (W.A.No.225 of 2025, dated 17.02.2025), the B.Ed., Degree is higher qualification for Secondary Grade Teacher. Hence, the impugned order passed by the 2nd respondent in Na.Ka.No.524/A1/2025, dated 20.06.2025 is liable to be quashed and the same is set aside.



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11. In the result, the Writ Petition is allowed. No costs. Consequently,
the connected writ miscellaneous petition is closed.

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Index : Yes/No
Speaking order
Neutral Citation : Yes/No
dm



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To
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C.KUMARAPPAN, J.

dm

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