



WEB COPY



W.P.No.26744 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.26744 of 2025
and W.M.P.Nos.30046 & 30049 of 2025

A.Swarnalatha

...Petitioner

-Vs-

1. The Director of Elementary School Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The Chief Educational Officer,
Namakkal District,
Namakkal.

3. The District Educational Officer,
Namakkal Education District,
Namakkal.

4. The Block Education officer,
Senthamangalam Block,
Namakkal District.

5. The Correspondent,
Vannia Kula Kshatriya Aided
Elementary School,
Sendamangalam,
Namakkal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for
issuance of a Writ of Certiorarified Mandamus, to call for the records relating



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the impugned order issued by the third respondent in Na.Ka.No.2512/Aa2/2025 dated 18.06.2025 and the further impugned order issued by the fifth respondent in Na.Ka.No.08/2025 dated 19.06.2025 and to quash and to direct the third and fifth respondents to restore the petitioner's scale of pay as previously with the two sets of incentive increments, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan
For Respondents
For R1 to R4 : Mr.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for challenging the orders dated 18.06.2025 & 19.06.2025 passed by the respondents thereby cancelling the incentive increments which were already granted to the petitioner and ordering to recover the incentives which were paid and also to revise the scale of pay for acquiring additional degree.

2. Heard, the learned counsel appearing appearing on either side and perused the materials placed before this Court.

3. This issue has already been dealt with by this Court in a batch of Writ Petitions in W.P.No.24236 of 2025 etc., by an order dated 23.10.2025 and the relevant portion is extracted hereunder:-

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“13. Thus it is clear that the relief against recovery is granted by Courts not because of any right vested in the employees, but in equity, exercising judicial discretion to relieve the employees from the hardship that will be caused if recovery is ordered. In the case on hand, the excess amount that has been paid to the petitioners was not because of any misrepresentation or fraud on their part. The petitioners also absolutely had no knowledge that the incentives that were being paid to them was contrary to the Government Order. In fact, the G.O.Ms.No.324 dated 25.04.1995 is clear that those who have acquired higher qualifications obtained in subjects which form part of the Higher Secondary syllabus shall be entitled to grant of incentives increments. Therefore, only on the basis of the Government Order, the petitioners were granted incentive increments. Therefore it cannot be stated that the incentive increments were granted to the petitioners by wrong interpretation of Government Order in G.O.Ms.No.324 dated 25.04.1995.

14. The Director of Elementary Education issued a clarificatory letter on 24.08.2016 restricting the benefit of incentive increments only to those subjects that are normally taught in schools, namely, Tamil, English, Mathematics, Science and Social Science. The said letter specifically excluded degrees obtained in Commerce, Economics and Computer Science etc., from being considered for grant of



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incentive increments. The said letter overrides the effect of G.O.Ms.No.324 dated 25.04.1995. Therefore, the Government letter dated 24.08.2016 cannot be considered for any purpose when the Government passed an order under the orders of the Governor of the State.

15. Further, the issue with regard to denial of 2nd increment for M.Phil., degree dealt with by this Court in W.P. (MD).No.3697 of 2018 and this Court by order dated 25.01.2022 held that the conditions imposed in G.O.Ms.No.624 dated 13.07.1992 stand effaced. The earliest Government Order issued in this connection, is in the spirit of encouragement and to stimulate the appetite of teachers for study and exploration of different subjects. Any curtailment in this regard would be anathema and the removal of the conditions is, in my view, a proper and appropriate move. Therefore, the petitioners are entitled for their incentive increment which were already granted to them as per G.O.Ms.No.324, dated 25.04.1995.

16. Though the impugned orders were passed by referring to the order passed by the Madurai Bench of this Court in W.P.(MD).No.22704 of 2018 dated 21.01.2025, it failed to consider the order passed by the Hon'ble Division Bench of this Court in W.A.No.2747 of 2023 dated 28.03.2025 in which this Court had categorically held that as per G.O. (Ms) No.324 dated 25.04.1995, all higher qualifications



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obtained in subjects which form part of the higher secondary syllabus shall be entitled to grant of incentive increments.

17. In view of the above, the orders impugned in these writ petitions cannot be sustained in toto and they have to be quashed and all impugned orders are hereby quashed in all the writ petitions.”

4. In view of the above order, the impugned orders dated 18.06.2025 & 19.06.2025 passed by the respondents are hereby quashed and the respondents are directed to restore the petitioner's scale of pay as before with the two sets of incentive increments, within a period of four weeks from the date of receipt of a copy of this Order.

5. Accordingly, the Writ Petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

13.11.2025

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

rts



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G.K.ILANTHIRAIYAN. J.

rts

To

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