



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-07-2025

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP No. 26486 of 2025

AND

WMP NO. 29790 OF 2025, WMP NO. 29791 OF 2025

T.R.Girish Babu

S/o.(late)t.M.Rangappa Chetty Headmaster,
Panchayat Union Primary School,
Boodhinatham Village,
Muthali Panchayat Hosur Block,
Krishnagiri District- 635 109.

..Petitioner(s)

Vs

1. The Director Of Elementary Education
Dpi Campus, College Road, Chennai- 600 006.

2. The Chief Educational Officer I/c
Cum District Elementary Educational Officer Hosur, Krishnagiri.

3. The Block Educational Officer
Hosur.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in Na.Ka. 028490/E1/ 2024 dated 17.06.2025 and the consequential order in Na.Ka. No.916/A1/ 2025 dated 19.06.2025 of the 3rd Respondent and quash the same and consequently direct the Respondents to continue to pay the petitioners incentive increments for having acquired M.A. English with B.Ed with effect from 1.1.2010 by refunding the amount of



Rs.18,239/- which has been recovered from the salary of the petitioner in the month of June 2025 and refix the pay of Rs.90,600 /- and pass the orders accordingly.

For Petitioner(s): Ms.Dakshayani Reddy, Sr.Counsel For M/s.
S.Suneetha

For Respondent(s):M/s.S. Mythreye Chandru S.G.P For R1 To R3

ORDER

This Writ Petition is filed with the prayer to call for the records of the 1st respondent in Na.Ka. 028490/E1/ 2024 dated 17.06.2025 and the consequential order in Na.Ka. No.916/A1/ 2025 dated 19.06.2025 of the 3rd Respondent and quash the same and consequently direct the Respondents to continue to pay the petitioners incentive increments for having acquired M.A. English with B.Ed with effect from 1.1.2010 by refunding the amount of Rs.18,239/- which has been recovered from the salary of the petitioner in the month of June 2025 and refix the pay of Rs.90,600 /- and pass the orders accordingly.

2. The learned counsel for the petitioner would submit that the impugned order has been passed without taking into consideration of G.O. Ms.No.42, dated 10.01.1969. According to the above G.O., the Secondary Grade Teachers are eligible to get increments for obtaining B.Ed. qualification. Further, the Senior counsel would submit that apart from acquiring B.Ed degree,



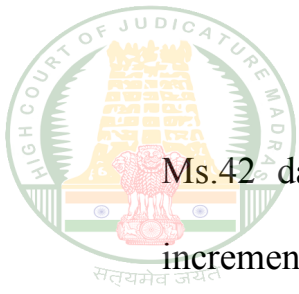
if the teachers are acquiring further qualification of Post Graduation ie.M.A or M.Sc. in the Subject which are in the syllabus of Higher Secondary School, they

will become entitled for one more increment. It is the contention of the learned Senior Counsel that in the case on hand, the petitioner has secured B.Ed degree and also Post Graduate Degree in M.A English which is a subject taught for Higher Secondary Classes. Hence, contended that the petitioner is entitled for two increments as per G.O. Ms No.42, dated 10.01.1969. However, in the impugned order dated 17.06.2025, the authority without considering the aforesaid G.O, has cancelled the increment, on the erroneous ground that the subject studied by the petitioner is irrelevant. It is the contention of the petitioner that the Authority concerned has no right to deviate from the G. O. issued by the Government.

3. At this Juncture, the learned Special Government Pleader appearing for the respondents would submit that G.O. Ms No.42, dated 10.01.1969 is applicable for increments for acquiring B.Ed Degree as well as Post Graduation Degree which is the syllabus taught for Higher Secondary Classes.

4. I have given my anxious consideration to either side submissions.

5.It is an admitted fact that the petitioner was granted two increment for acquiring the qualification for B.Ed and M.A. in English. According to the G.O.

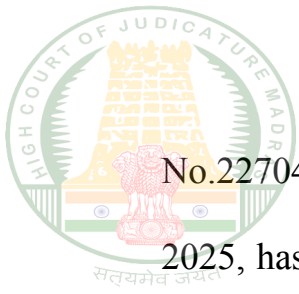


Ms.42 dated 10.01.1969, the Secondary grade teachers are eligible to get increment for both B.Ed qualification and also for Post Graduation in a Subject which is syllabus for the Higher Secondary School.

6. In the case on hand, the petitioner has acquired M.A.in English which is admittedly a subject taught in Higher Secondary School. It appears that the 3rd respondent issued a clarification letter dated 17.06.2025 clarifying that English is not a relevant subject for Higher Secodnary. Based on the above reasons, impugned order of recovery was passed.

7.At this juncture, the learned senior counsel invited the attention of this Court that the order of the 3rd respondent is based upon the Judgment dated 20.01.2025 of the learned Single Judge in Madurai Bench of the Madras High Court in W.P(MD).No.22704 of 2018. She would further submit that the above Judgment later on stayed vide order dated 04.04.2025 in W.A.(MD) No.874 of 2025.

8.However, while looking into G.O. Ms.42 dated 10.01.1969, it is categorically stated that the person who secures Post Graduate Degree in the subject which usually taught to the student of Higher Secondary school as one of the subject, then the same would become a eligible criteria, for the increment. In this case on hand, the 3rd respondent by refering to the Judgment in W.P.



No.22704 of 2018, which has been subsequently stayed in W.A. No.874 of 2025, has stated that English is not relevant subject, but the same is nothing but

overreaching the G.O.Ms. No.42 dated 10.01.1969 issued by the Government.

Hence, this Court is of the view that the impugned order is in contravention to the G.O.Ms. No.42 dated 10.01.1969. Therefore, the same is liable to be quashed.

9. In view of the above, the respondents are directed to refund the amount recovered from the petitioner within a period of three months. It is relevant to refer the issue involved in the present case is squarely covered by the ratio of "*The State of Tamilnadu Vs. V. Mylsamy*" in W.A. No.999 of 2024 wherein this Court has quashed the aforesaid clarification letter vide Judgment dated 28.03.2025.

10. In view of the aforesaid observations, the Writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

22-07-2025

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



WEB COPY



C.KUMARAPPAN J.

Lbm

To

1. The Director Of Elementary Education
Dpi Campus, College Road, Chennai- 600 006.
2. The Chief Educational Officer I/c
Cum District Elementary Educational Officer
Hosur, Krishnagiri.
3. The Block Educational Officer
Hosur.

WP No. 26486 of 2025
AND
WMP NO. 29790 OF 2025, WMP NO. 29791 OF 2025

22-07-2025