



W.A.No.3371 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.3371 of 2025
and
C.M.P.No.27441 of 2025

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Tiruvannamalai District,
Tiruvannamalai.
4. The District Educational Officer,
Tiruvannamalai Educational District,
Tiruvannamalai District.
5. The Block Educational Officer,



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Thurinjapuram Block,
Tiruvannamalai District.

... Appellants

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-Vs-

V.Venda

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 02.07.2024 in W.P.No.4175 of 2020.

For Appellants : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.S.Mythreye Chandru
Special Government Pleader

For Respondent : Mr.P.Murali

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 02.07.2024 made in W.P.No.4175 of 2020.

2. The controversy that arose for consideration before the writ Court was



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as to whether the respondent / writ petitioner was entitled to get the advance

incentive increment for having acquired the qualification such as B.Com.,

M.Com., and B.Ed., degree.

3. The answer given by the writ Court was that, as per earlier order in which the issue has been settled insofar as B.Com., and M.Com., is concerned, that may not be a relevant qualification which can be considered to be an additional higher qualification for the purpose of advance incentive increment, therefore, the prayer sought for in those aspects has been rejected. But at the same time, the learned Judge allowed the prayer sought for additional incentive increment for having acquired higher qualification of B.Ed degree.

4. This in fact has been made by the writ Court of course by following earlier decision made in W.P.No.19221 of 2021.

5. Heard Mr.R.Neelakandan, learned Additional Advocate General appearing for the appellants, who, would submit that number of such orders



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having been passed by the writ Court and some of them have been confirmed by

various orders passed by the Division Bench including the Bench, where one of us (RSKJ) is a party, against those orders, since the review applications have been filed and those review applications are in SR stage or even numbering stage pending consideration before the Division Bench, the order of the writ Court which is impugned herein cannot be taken as a conclusive one and therefore, interference sought for by him.

6. However, the fact remains that, at least in two writ appeals, i.e., W.A.No.3737 of 2024 and W.A.No.3481 of 2024, a Division Bench of this Court, where one of us (RSKJ) is a party has passed separate orders on 03.01.2025 and 27.01.2025 dealing with the same issue. In fact W.A.No.3737 of 2024 arose out of W.P.No.19221 of 2021 dated 03.06.2024 which was in fact followed by the learned Judge in the order impugned herein.

7. For better appreciation, the relevant portion of the order dated 03.01.2025 passed in W.A.No.3737 of 2024 by the Division Bench of this Court are extracted hereunder:



“4. The learned Writ Court, having considered the Rule position and the relevant Government Orders, namely, G.O.Ms.No.42, Education Department dated 10.01.1969 as well as G.O.Ms.No.134, School Education (G2) Department dated 15.06.2007, has come to the conclusion that insofar as the higher qualification of M.Com. Degree acquired by the respondent/writ petitioner even prior to her appointment as a Secondary Grade Teacher is concerned, the same cannot be treated as a higher qualification, as merely because B.Com. or M.Com. Degree or a relevant qualification to hold the post of B.T. Assistant in Commerce cannot ipso facto confer any right upon the Teacher who acquired M.Com. Degree and it cannot be therefore treated as a higher qualification for the purpose of sanctioning advance incentive increment.

5. Therefore, the learned Single Judge upheld the impugned order before the Writ Court passed by the appellant Department insofar as canceling the advance incentive increment sanctioned already in favour of the respondent/writ petitioner for having acquired the qualification of M.Com Degree, but, at the same time, the learned Writ Court, having considered the Government Orders which were in vogue, set aside the order dated 19.08.2021 in part, whereby, the withdrawal of the advance



incentive increment sanctioned in favour of the respondent/writ petitioner for having acquired the higher qualification of B.Ed. Degree was set aside and therefore, to that extent, the writ petition was partly allowed through the impugned order.

6. An attempt has been made by the learned Government Advocate appearing for the appellants to assail the order passed by the Writ Court by merely stating that the B.Ed. Degree also is not a higher qualification. Therefore, for having acquired such B.Ed. Degree qualification, the advance incentive increment sanctioned earlier in the year 2015 ought to have been withdrawn. Therefore, on that ground, the withdrawal order, which was impugned before the Writ Court, in toto, ought to have been upheld by the learned Single Judge he contended.

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



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benefit already conferred on her.

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8. Therefore, we do not find any reason to interfere with the order impugned herein. Resultantly, the appeal fails and deserves to be dismissed. Accordingly, the writ appeal stands dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.29492 of 2024 is closed.”

8. Like that, in the order dated 27.01.2025 made in W.A.No.3481 of 2024, the Division Bench of this Court has passed the following order:

*“8. The reason being that, in a similar facts, yet another writ appeal in **W.A.3737 of 2024** came up for consideration before us and we having considered the same passed an order on 03.01.2025 in the matter of **The Chief Educational Officer & others Vs. M.Menaka Madhavan.***

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10. Exactly the similar facts are situated in the present case also, therefore, the judgement that we have passed in Menaka Madhavan's case, would squarely apply to the present facts of the case also. Hence, a direction issued by the learned Judge with regard to B.Ed qualification is concerned, for sanctioning of the advance incentive increment, has to be sustained.

11. In that view of the matter, there is no need for any interference of the impugned order, hence, this Writ Appeal fails



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and accordingly, it is dismissed. For compliance of the orders of the writ Court, two months time is granted. Till such time, no coercive steps shall be taken by the respondent / writ petitioner. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”

9. Since the issue has been considered and the consistent stand has been taken by the law Courts and the orders passed by the writ Court having been confirmed by more than one Division Bench judgments as stated *supra*, we are not inclined to entertain this appeal, therefore, this Writ Appeal is liable to be dismissed, accordingly, it is dismissed. The operative portion of the impugned order shall be complied with within a period of two months from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (H.C., J.)
10.11.2025

NCC : Yes / No

Index : Yes / No



Speaking Order : Yes / No

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