



WEB COPY

WP No. 40852 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP No. 40852 of 2025

and

WMP Nos.45783 & 45785 of 2025

A.Sakthivel

Petitioner

Vs

1. The Director Of School
Dpi Campus College Road
Chennai 600 006

2.The Chief Educational Officer
The Office Of The Chief Educational Officer
Thiruvannamalai

3.The District Educational Officer (secondary)
The Office Of The District Educational Officer
No 56 Arcot Road, Alathur, Cheyyar
Thiruvannamalai District 604 407

4.The Correspondent
St Joseph Boys Higher Secondary School
Suainagar, Pathiavaram, Chetpet
Tiruvannamalai District 632 326



Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for the records pertaining to the impugned order dated 24.06.2024 in Na.Ka. No 743 / A4 / 2024 on the file of the 3rd respondent and quash the same, directing the 3rd respondent to award one advance incentive increments to the petitioner Mr. A. Sakthivel for his higher qualification by regularizing his pay and allowance with all service and monetary benefits from the date of the appointment of the petitioner w.e.f. 28.07.2014.

For Petitioner(s): M/s.A. Arul Mary

For Respondent(s): Mrs.S.Mythreye Chandra, Sp.GP
(for R1 to R3)

ORDER

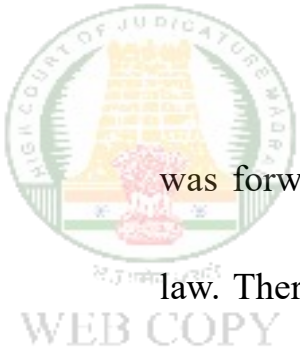
This Writ Petition has been filed challenging the order passed by the 3rd respondent dated 24.06.2024, thereby rejecting the request made by the petitioner seeking incentive increment.

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



3. The petitioner was appointed as BT Assistant in the 4th respondent school (aided school) with effect from 28.07.2014 in the regular sanctioned post. Subsequently, the petitioner's appointment was duly approved by the 3rd respondent by the proceedings dated 03.04.2015. Even prior to his appointment, the petitioner had completed M.A. (Tamil) in the year 2012 and had acquired a higher qualification. Therefore, the petitioner submitted a representation seeking an incentive increment for acquiring the said higher qualification.

4. The 3rd respondent, by proceedings dated 26.03.2019, approved the request of the petitioner for the grant of an incentive increment, stating that the petitioner was eligible for the incentive increment with effect from 28.07.2014. However, in the meantime, the petitioner was suspended for 5 years, alleging that he had beaten a student. Thereafter, the petitioner was reinstated into service and his period of suspension was also regularised. In view of the suspension, the petitioner was not granted an incentive increment. Therefore, the petitioner submitted a representation dated 27.11.2023 seeking an incentive increment in terms of the order passed by the 3rd respondent on 26.03.2019. It



was forwarded to the 2nd respondent to consider the same in accordance with law. Thereafter, the 3rd respondent by proceedings dated 24.06.2024 refused to approve the incentive increment to the petitioner by relying upon GO.Ms.No.37 dated 10.03.2020 thereby ordered to withhold the scheme of sanction of increment for acquiring higher qualification with effect from 10.03.2020. In the very same Government Order, Clause No. 6 stipulates that the cases of Government Servant who have acquired higher qualification prior to issue of this general order and not sanctioned with the advance increment be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance department. In the case on hand, admittedly, the petitioner's incentive increment was considered and approved by the 3rd respondent by proceedings dated 26.03.2019, wherein it was concluded that the petitioner was eligible to receive the incentive increment with effect from 28.07.2014. Therefore, the request made by the petitioner cannot be denied by relying upon the subsequent



Government Order dated 15.10.2020.

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5. In view of the above, the impugned order passed by the 3rd respondent dated 24.06.2024 cannot be sustained and is liable to be set aside. Accordingly, the impugned order dated 24.06.2024 is set aside. The 3rd respondent is directed to award one advance incentive increment to the petitioner for acquiring higher qualification, by regularising his pay and allowances with all service and monetary benefits with effect from 28.07.2014, as approved by the 3rd respondent in proceedings dated 26.03.2019, within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Shr

05-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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