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W.P.No.44129 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2025

CORAM:

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

W.P.No.44129 of 2025 and
WMP.nos.49238 & 49239 of 2025

S.Padmini

... Petitioner

Vs.

1.THE STATE OF TAMILNADU,
REP BY ITS SECRETARY TO GOVERNMENT, SCHOOL
EDUCATION DEPARTMENT, FORT ST.GEORGE, CHENNAI-600
009

2.THE DIRECTOR OF ELEMENTARY EDUCATION,
O/O.THE DIRECTOR OF ELEMENTARY EDUCATION, COLLEGE
ROAD, CHENNAI-600 006

3.THE DISTRICT EDUCATIONAL OFFICER(ELEMENTARY),
O/O.THE DISTRICT EDUCATIONAL OFFICE, COIMBATORE-1

4.THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATION
OFFICER,
O/O.THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICE, PERIANAICKENPALAYAM,
COIMBATORE

5.THE BLOCK EDUCATIONAL OFFICER,
O/O.THE BLOCK EDUCATIONAL OFFICE,
PERIYANAICKENPALAYAM,
COIMBATORE-641 045

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of



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India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent proceedings having Ref.No.Na.Ka.No.028490/E1/2024 dated 17.6.2025 raising audit objection to the grant of incentive increment to the petitioner for the period from 23.1.1995 and 26.5.1999 for obtaining the B.A.(Psychology), B.Ed and M.Ed Degree respectively and of the 5th respondent proceedings having Ref.No.Na.Ka.No.1081/A1/2025 dated 20.06.2025 ordering recovery of the incentive increment granted to the petitioner from 23.01.1995 and 26.5.1999 and refixation of the pay scale of the petitioner and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive increment to the petitioner for obtaining B.A.(Psychology), B.Ed, and M.Ed degree

For Petitioner : Ms.C.Uma

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This writ petition has been filed seeking to quash the 2nd respondent's proceedings having Ref.No.Na.Ka.No.028490/E1/2024 dated 17.6.2025 raising audit objection to the grant of incentive increment to the petitioner for the period from 23.1.1995 and 26.5.1999 for obtaining the B.A.(Psychology), B.Ed and M.Ed Degree respectively and of the 5th respondent's proceedings having Ref.No.Na.Ka.No.1081/A1/2025 dated 20.06.2025 ordering recovery of the incentive increment

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granted to the petitioner from 23.01.1995 and 26.5.1999 and refixation of the pay scale of the petitioner and consequently to direct the respondents to continue to pay the incentive increment to the petitioner for obtaining B.A.(Psychology), B.Ed, and M.Ed degree.

2. The issue involved in this writ petition has already been dealt with by this Court in WP.No.24236 of 2025 dated 23.10.2025, and based on the said order of this Court, the respondents continued to pay incentive increment to that petitioner. The relevant portion of the order is extracted hereunder:

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 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



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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 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



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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.

3. Therefore, this Court is of the view that the same order can be passed in this writ petition as well. Accordingly, the impugned orders dated 17.06.2025 and 20.06.2025 are set aside. The respondents are directed to continue to pay the incentive increment to the petitioner for obtaining B.A.(Psychology), B.Ed, and M.Ed degree.

5. In the result, this writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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