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W.P.No.45468 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2025

CORAM:

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

W.P.No.45468 of 2025 and
WMP.No.50662 of 2025

S.Chinnasamy

... Petitioner

Vs.

1.THE DIRECTOR OF SCHOOL EDUCATION(SERVICE DIVISION),
DIRECTORATE OF SCHOOL EDUCATION, DPI CAMPUS,
COLLEGE ROAD, CHENNAI-600 006

2.THE DIVISIONAL ACCOUNTS OFFICER(AUDIT),
SCHOOL EDUCATION DEPARTMENT, LLA BUILDING 3RD
FLOOR, BIG BAZAAR STREET, TOWN HALL,
COIMBATORE-641 001

3.THE CHIEF EDUCATIONAL OFFICER,
KRISHNAGIRI DISTRICT

4.THE HEADMASTER,
GOVERNMENT HIGH SCHOOL, JAGADAB,
KRISHNAGIRI DISTRICT

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent in proceedings dated 31.10.2025 in Na.Ka.No.110/2025 following the audit objection with respect to grant of incentive to the petitioner working as B.T.Assistant, Jagadab, Government High school, Krishnagiri, quash the same and consequently direct the respondents to continue to pay the incentive amount to the

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petitioner for having acquired M.Phil, Degree through part time

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For Petitioner : Mr.S.N.Subramani

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

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 31.10.2025 in Na.Ka.No.110/2025 following the audit objection with respect to grant of incentive to the petitioner working as B.T.Assistant, Jagadab, Government High school, Krishnagiri and consequently to direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil, Degree through part time

2. This issue has already been dealt with by this Court in WP.No.37180 of 2024 and this Court by order dated 30.01.2025 held that the petitioner therein was entitled for incentive increment. The relevant portion of the order is extracted hereunder:

“7. In similar matter in W.A(MD).No.1124 of 2023 the Division Bench of this Hon’ble Court by order dated 24.07.2023, the Hon’ble Court has held that:-

“2. The application for incentive was rejected only



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on the ground that the first respondent had not obtained prior permission of the authorities for undergoing higher education. Therefore, the learned Single Judge of this Court, allowed the Writ Petition, following the view taken by this Court by another Judge of this Court in J.Tamilrajan .vs. Department of School Education and others passed in W.P(MD)No.4019 of 2018. It is now admitted before this Court the same view of this Court was affirmed in W.A(MD)No.813 of 2021 in the case of the Director of School Education, DPI Campus, College Road, Chennai -6 .vs. G.Anandhi, dated 16.4.2021.

3. This Court find that the issue is no-more resintegra in view of the several judgments on this issue holding that the claim of teachers for incentive increment cannot be rejected on the ground that the concerned teacher had not obtained prior permission of the authorities for undergoing higher education. Since the issue has been settled by precedents, this Court is unable to countenance the arguments advanced by the learned counsel for the appellants.

It is true that there are several Government Order which have insisted the requirement of permission of the educational authorities for a teacher to undergo higher education. It is to be noted that the payment of incentive increment for acquiring higher qualification is to encourage the teachers to acquire higher qualification so



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that the quality of education will be higher. It may be true that the teacher while in service will have to obtain prior permission as per the Government Orders. Further it is to be noted that acquiring higher qualification while in service is not prohibited and it is only regulated. In such circumstances, acquiring higher qualification while in service without the permission is only an irregularity and that will not entitle the respondents to reject the benefit to the teachers.

4. Considering the overall policy of the Government, there is no reason to take a different view as expressed by the learned Single Judge. The decision relied upon by the learned Single Judge in the subject-matter in issue has been subsequently affirmed by the learned Division Bench of this Court. Hence this Court finds no merit in the Writ Appeal and the same is liable to be dismissed.

5. Accordingly, the Writ Appeal stands dismissed. No costs. The appellants are directed to comply with the direction of the learned Single Judge within a period of twelve weeks from the date of receipt of a copy of this judgment. Consequently connected Miscellaneous Petition is dismissed.”

8. In view of the aforesaid decision as well as various decisions rendered by the Hon'ble Apex Court and Hon'ble Division Bench, this Court is of the view that the



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petitioners is entitled for incentive increment who had acquired M.Phil degree and the same to be paid. It is also to be noted that the incentive increment cannot be rejected on the ground that they have not obtained prior permission of the authorities for undergoing higher education and also regarding the M.Phil degree through distance mode / part time mode is not eligible for incentive increment. Further, the fourth respondent till date has not made any recovery and hence no other issue to the effect regarding the eligibility. Hence, the petitioner is eligible for incentive from the date of 18.01.2013.

3. Therefore, this Court is of the view that the same order can be passed in this writ petition as well. Accordingly, the petitioner is entitled for incentive increment who had acquired M.Phil, Degree through part time and the same to be paid. It is also to be noted that the incentive increment cannot be rejected on the ground that he has not obtained prior permission of the authorities for undergoing higher education and also regarding the M.Phil degree through distance mode / part time mode is not eligible for incentive increment. Further, till date, recovery has not been made and hence no other issue to the effect regarding the eligibility. Hence, the petitioner is eligible for incentive



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from the date of 18.01.2013.

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4. Accordingly, this writ petition is disposed of on the above terms.

No costs. Consequently, the connected writ miscellaneous petition is closed.

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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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