



W.A.(MD)No.1442 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.1442 of 2025
and
C.M.P.(MD)No.8554 of 2025**

1.The Chief Educational Officer,
Virudhunagar District.

2.The Head Master,
Errsm Government Higher Secondary School,
Alangulam, Virudhunagar District.

... Appellants

Vs.

V. Anandhakumar

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.16492 of 2018 dated 27.09.2024 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar,
Spl. Government Pleader.

For Respondent : Mr.V.Panneer Selvam



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JUDGMENT

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Heard both sides.

2.This writ appeal is directed against the order dated 27.09.2024 allowing W.P.(MD)No.16492 of 2018 filed by the respondent herein.

3.The respondent was appointed as Physical Educational Teacher on consolidated basis in the year 2005. He was brought under regular time scale of pay on 01.06.2006. The respondent subsequently acquired M.Phil. degree qualification. For that, he was given first incentive increment in September 2011. Vide order dated 12.06.2018 passed by the Headmaster of the school in which the writ petitioner was working, the incentive increment already paid to the writ petitioner was ordered to be recovered. The authorities took the view that the writ petitioner would be entitled to incentive increment only with effect from 13.10.2016 when G.O.(Ms)No.177 School Education Department was issued. Challenging the recovery order, W.P.(MD)No.16492 of 2018 was filed by the writ petitioner. Applying *Whiter Washer's* case, the learned Single Judge held that recovery was impermissible. It is further noticed

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that G.O.(Ms)No.177 dated 13.10.2016 pertained to grant of second increment and it has no application to the case of the writ petitioner.

4.We are of the view that the learned Single Judge rightly allowed the writ petition and interference with the said order is not warranted. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
11.06.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

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