



W.P.(MD)No.14372 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.14372 of 2021

and

W.M.P.(MD).Nos.11314 and 11315 of 2021

C.Palaru

... Petitioner

Vs.

- 1.The Government of Tamilnadu,
Rep. by its
Secretary to the Government
Department of School Education,
Secretariat, Chennai - 9.
- 2.The Chief Educational Officer,
O/o. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The District Educational Officer,
O/o. The District Educational Office,
Ramanathapuram District,
Ramanathapuram.
- 4.The Secretary,
D.D.Vinayagar Hr.Sec.School,
Ramanathapuram,
Ramanathapuram District.

... Respondents



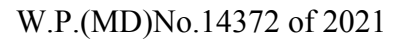
W.P.(MD)No.14372 of 2021

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order in Oo.Mu.No.5953/A1/2019 dated 19-01-2021 on the file of the respondent No.3 and quash the same as illegal and consequently direct the respondents Nos.1 to 3 to provide incentive increments for the petitioner's higher qualification ie., M.A and M.Ed from the date of his appointment dated 06-09-2001 with consequential monetary benefits as per G.O.Ms.No.83, dated 28-04-2017, passed by the respondent No.1 within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R-1 to R-3	: Mr.S.Shaji Bino, Special Government Pleader
For R-4	: No Appearance

ORDER

This writ petition has been filed challenging the impugned communication dated 19.01.2021 issued by the third respondent to the fourth respondent, rejecting the proposal sent by the fourth respondent School seeking grant of incentive increments to the petitioner on the ground that G.O.(Ms).No. 83, School Education Department, dated 28.04.2017 does not get attracted to the fourth respondent School and also does not get attracted to the case of the



2. The petitioner contends that G.O.(Ms).No.83, School Education Department, dated 28.04.2017, applies to his case and therefore, he is entitled for incentive increments as per the said Government Order.

3. The learned counsel appearing for the petitioner also contends that as seen from the appointment order dated 21.03.2002, the petitioner was appointed under the backlog vacancies on 06.09.2001 pursuant to G.O.(Ms).No.525, dated 29.12.1997. He further submits that G.O.(Ms).No.83, School Education Department, dated 28.04.2017, also applies to the case of the aided schools. Hence, according to him, by total non application of mind and by a non-speaking order, the proposal sent by the fourth respondent School seeking approval for the payment of incentive increments to the petitioner has been rejected by the third respondent.

4. A counter-affidavit has been filed by the third respondent reiterating the contents of the impugned communication. They would once again contend that G.O.(Ms).No.83, School Education Department, dated 28.04.2017, does not



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apply to the backlog vacancies and the same does not apply to aided schools.

However, the contentions raised by the petitioner as seen from the affidavit filed in support of this writ petition has not been fully considered in the impugned communication. The petitioner categorically contends that by virtue of the appointment order that he was appointed only under the backlog vacancies for the year 1997-2000 and therefore, G.O.(Ms).No.83, School Education Department, dated 28.04.2017 applies to his case. The petitioner also categorically contends that G.O.(Ms).No.83, School Education Department, dated 28.04.2017, also applies to the case of the aided schools. However, as seen from the impugned communication, the contentions of the petitioner have not been fully considered by the third respondent by a speaking order.

5. In the interest of justice, this Court deems it fit to quash the impugned communication, since the impugned communication is a non-speaking order with regard to the contentions of the petitioner.

6. Accordingly, the impugned communication dated 19.01.2021 passed by the third respondent is hereby quashed and this writ petition is disposed of by remanding the matter back to the third respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.



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The fourth respondent is directed to submit a fresh proposal to the third respondent seeking for payment of incentive increments to the petitioner as per G.O.(Ms).No.83, School Education Department, dated 28.04.2017 along with a proper explanation as to how G.O.(Ms).No.83, School Education Department, dated 28.04.2017, gets attracted to the case of the petitioner within a period of four weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the third respondent shall pass a final speaking order on merits and in accordance with law with regard to the contentions of the fourth respondent School as well as the petitioner with regard to applicability of G.O. (Ms).No.83, School Education Department, dated 28.04.2017, within a further period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

23.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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ABDUL QUDDHOSE, J.

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