



W.P.(MD)No.16012 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.08.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P.(MD) No.16012 of 2025

and

W.M.P.(MD)No.12107 and 12109 of 2025

T.Sivakumar

: Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai-600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Regional Accounts Officer (Audit),
School Education Department,
Madurai Region, Madurai.
- 4.The Chief Educational Officer,
Madurai District, Madurai.
- 5.The Headmaster,
Government Higher Secondary School,
Elumalai-625 535,
Madurai District.

: Respondents



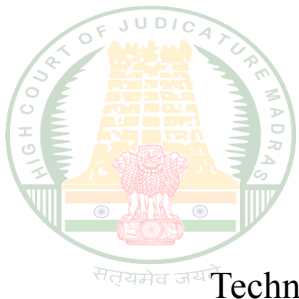
W.P.(MD)No.16012 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.11/A10/2016 dated 22.02.2016 and consequential impugned order passed by the fifth respondent in Na.Ka.No.52/2025 dated 09.04.2025 and quash the same as illegal and consequently direct the fourth and fifth respondents to continue incentive increment for the petitioner's higher qualification of his M.Phil., (Physical Education) in the light of G.O.Ms.No.324, Education, Science and Technology Department dated 25.04.1995 within a time frame as fixed by this Court and for other reliefs.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order passed by the third respondent in Na.Ka.No.11/A10/2016 dated 22.02.2016 and consequential order passed by the fifth respondent in Na.Ka.No.52/2025 dated 09.04.2025 as illegal and consequently to direct the fourth and fifth respondents to continue to pay the incentive increment for the petitioner's higher qualification of M.Phil., (Physical Education) in the light of G.O.Ms.No.324, Education, Science and



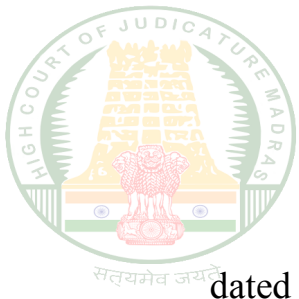
W.P.(MD)No.16012 of 2025

WEB COPY

Technology Department dated 25.04.1995 within a time frame as fixed by this Court and for other reliefs.

2.The petitioner was appointed as Physical Education Teacher at the fifth respondent School in the year 2000. Thereafter, in the year 2006, after obtaining necessary permission, the petitioner completed M.Phil., Degree in the Physical Education and Post Graduate Diploma in Yoga in the year 2017. In the year 2012, the petitioner was granted with incentive increment for acquiring higher qualification. While so, on 09.04.2025, the fifth respondent issued a notice to the petitioner stating that it was found in the audit objection dated 22.02.2016 that the petitioner is not entitled to get incentive increment and it was directed to recover the incentive increment already granted to the petitioner. Challenging the same, the petitioner has filed the present Writ Petition.

3.The learned counsel for the petitioner submits that the order of recovery was issued only on the basis that the petitioner being a Physical Education Teacher is not eligible to get the incentive increment for acquiring higher qualification. However, it was omitted to be noted that under G.O.Ms.No.324, Education, Science and Technology Department



W.P.(MD)No.16012 of 2025

WEB COPY

dated 25.04.1995, the Physical Education Teachers are also eligible to get incentive increment. Further, before passing the order impugned in this writ petition, no opportunity was given to the petitioner. Hence, he prays for appropriate orders.

4.The learned Additional Government Pleader appearing for the respondents fairly submits that before passing the impugned order no proper opportunity was given to the petitioner.

5.Considered the rival submission made on either side and perused the materials placed on record.

6.On the sole ground that the petitioner was not given with proper opportunity of hearing before passing the impugned order, the order impugned in this writ petition is set aside and the matter is remitted back to the fourth respondent for fresh consideration. The fourth respondent is directed to pass appropriate orders afresh on merits and in accordance with the relevant Government Orders in force after affording reasonable opportunity of hearing to the petitioner. Till the orders are passed by the fourth respondent, the order of recovery shall be kept in abeyance.



W.P.(MD)No.16012 of 2025

WEB COPY

7. Accordingly, this Writ Petition is allowed. No costs.

Consequently, connected miscellaneous petition is closed.

22.08.2025

Index : Yes / No
NCC : Yes / No
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To:-

1. The Secretary,
Department of School Education,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai-600 006.
3. The Regional Accounts Officer (Audit),
School Education Department,
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W.P.(MD)No.16012 of 2025

M.DHANDAPANI, J.

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W.P.(MD) No.16012 of 2025

22.08.2025