



W.P.(MD)No.17396 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.17396 of 2025

and

WMP(MD) Nos.13265 and 13266 of 2025

S.Collin Imaculate

... Petitioner

-VS-

1. The District Educational Officer,
(Elementary Education),
Dindigul District,
Dindigul.

2. The Block Educational Officer,
Dindigul Urban,
Dindigul District.

3. The Correspondent,
St.Cecilias Middle School,
Dindigul District - 624 001.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned communication in Na.Ka.No. 433/A1/2025 dated 17.06.2025 issued by the 2nd respondent and quash the same in so far as the petitioner is concerned.



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For Petitioner : Mr.T.Antony Arulraj
For Respondent : Mr.M.Siddharthan
Additional Govt. Pleader for R1 and R2

ORDER

The petitioner has filed the present writ petition before this Court, challenging the impugned communication issued by the second respondent in Na.Ka.No.433/A1/2025 dated 17.06.2025.

2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the third respondent is dispensed with.

3. The case of the petitioner is that she was appointed as a 'Secondary Grade Teacher' on 24.10.1987 at R.C.Sahayarani Middle School, Chinnalapatti in Dindigul District and was subsequently transferred to the third respondent school, where she continues to serve.



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4. The learned counsel for the petitioner submits that, upon acquiring a higher qualification, the petitioner was granted two incentive increments on 05.10.1994. However, the second respondent later issued a communication to the third respondent stating that the higher qualification was in a different subject and therefore, the grant of two incentive increments was erroneous. Consequently, the second respondent directed the third respondent to re-fix the petitioner's scale of pay by withdrawing the incentive increments. The petitioner contends that the incentive increments were granted prior to the issuance of the Government Order in 2007 and that the principle of retrospective operation cannot be applied to her case. Accordingly, she has filed the present writ petition seeking to set aside the impugned order.

5. The learned Additional Government Pleader appearing for the respondents fairly submitted that the matter may be remanded back to the respondents 1 and 2 for reconsideration and the respondent will pass a fresh order within a specified time frame.



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6. Heard the learned counsel for the parties and perused the materials available on record.

7. Upon considering the submissions made by the learned Additional Government Pleader, this Court finds it appropriate to set aside the impugned order. Accordingly, the impugned order dated 17.06.2025, is hereby set aside and the matter is remitted back to the respondents 1 and 2. The respondents 1 and 2 are directed to consider the case of the petitioner and pass fresh orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four months from the date of receipt of a copy of this order.

8. In the result, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

NCC : Yes / No
Index : Yes / No
PKN

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To:-

1. The District Educational Officer,
(Elementary Education),
Dindigul District,
Dindigul.
2. The Block Educational Officer,
Dindigul Urban,
Dindigul District.



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VIVEK KUMAR SINGH, J.

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