



WP(MD). No.29349 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29/10/2025

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THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.29349 of 2025

and

WMP(MD)Nos.22678 and 22679 of 2025

S.Joan of Arc,

... Petitioner

Vs

1. The Director of Elementary Education,
DPI Campus, Chennai - 6.

2. The District Educational Officer (Elementary),
Thanjavur District.

3. The Block Educational Officer,
Thanjavur Rural,
Thanjavur District..

4. The Principal Accountant General,
Office of the Accountant General (A and E),
361, Anna Salai,
Teynampet, Chennai - 18.

5. The District Treasury Officer,
Treasury Office,
Thanjavur District.

... Respondents

PRAYER :-

Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus call for the

1/6



WP(MD). No.29349 of 2025

records pertaining to the Impugned order in No. E16/11635401/3/R1635401/38 dated 22.04.2025 on the file of the respondent no.4 and the consequential impugned order in Na.Ka.No. 1257/A3/2024 dated 23.01.2025 on the file of the Respondent no.3 and quash the same as illegal and consequently for a direction, directing the respondents the death cum retirement gratuity and other retirement benefits to the petitioner within the time period stipulated by this Court.

For Petitioner : Mr. T.Aswin Raja Simman,
Advocate.

For Respondents : Mr. N.Satheesh Kumar - for R1, 2, 3 and 5
Additional Government Pleader

Ms. S.Mahalakshmi for R4
Standing Counsel

ORDER

This Writ Petition is filed seeking Writ of Certiorarified Mandamus call for the records pertaining to the Impugned order in No. E16/11635401/3/R1635401/38 dated 22.04.2025 on the file of the respondent no.4 and the consequential impugned order in Na.Ka.No. 1257/A3/2024 dated 23.01.2025 on the file of the Respondent no.3 and quash the same as illegal and consequently for a direction, directing the respondents the death cum retirement gratuity and other retirement benefits to the petitioner within the time period stipulated by this Court.



WP(MD), No.29349 of 2025

WEB COPY

2. The petitioner was appointed as a Secondary Grade teacher in the year 1991 in the Panchayat Union Primary School and the petitioner was promoted as a Headmistress of the Panchayat Union Primary School and thereafter promoted as a BT Assistant in the Panchayat Union Middle School and had attained the age of superannuation on 31.03.2025, when she was also permitted to retire from service. She had also been benefited with incentive increments for acquiring higher qualifications. Under the order impugned herein, the petitioner was held to have granted incentive increment for acquiring the MA degree wrongly and a sum of Rs.14,50,862/- was directed to be repaid.

3. This Court in W.A(MD)No.1874 of 2024 by order dated 28.11.2024 dealing with a similar issue had held that the order of the learned Single Judge in respect of recovery cannot be interfered with, but however the order of the learned Single Judge interfering with the cancellation of the grant of incentive increment may not be correct and therefore had upheld the cancellation of incentive increment, but had restrained the respondents from making any recovery on the wrongly



WP(MD). No.29349 of 2025

granted increment. The same would squarely apply to the facts of the case.

4. In such view of the matter, this writ petition is partly allowed and the order of recovery stands set aside. The respondents are directed to disburse the DCRG and other terminal benefits to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order. The respondents are also at liberty to refix the salary of the petitioner and the same could only be for the purpose of the pensionary benefits that the petitioner would be entitled to. Such refixation shall also be made by the respondents within a period of 12 weeks from the date of receipt of a copy of this order and pay the pensionary benefits as eligible to the petitioner thereafter. No costs. Consequently, connected miscellaneous petitions stand closed.

29.10.2025

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

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WP(MD). No.29349 of 2025

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K.KUMARESH BABU, J

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