



WP(MD)Nos.35088 and 35089 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)Nos.35088 and 35089 of 2025

and

WMP(MD)Nos.27798, 27800, 27804 and 27806 of 2025

in WP(MD)No.35088 of 2025

W.Stalin Nesa Herri

.....Petitioner

VS

1.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of School Education,
Fort St.George, Chennai -9.

2.The Director of Elementary Education,
DPI campus, Chennai.

3.The Director of Elementary Officer (Elementary),
Kovilpatti, Thoothukudi District.

4.The Block Educational Officer,
Pudur Block,
Thoothukudi District.

5.Hindu Nadar Primary School,
Represented by its Secretary,
Mavilodai, Kadalkudi Post,
Vilathikulam Taluk,
Thoothukudi district.

...Respondents



WP(MD)Nos.35088 and 35089 of 2025

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari to call for the records pertaining to the Impugned Order in Na.KaNo.536/A1/2025 dated 19.06.2025 on the file of the respondent No.4 and quash the same as illegal.

For Petitioner : Mr.T.Aswin Raja Simman
For Respondent : Mr.M.Sarangan,
Nos.1 to 4 Additional Government Pleader

in WP(MD)No.35089 of 2025

A.M.Jayanthi Gilda Rani

...Petitioner

vs

1.State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Department of School Education,
Fort St.George, Chennai -9.

2.The Director of Elementary Education,
DPI campus, Chennai.

3.The Director of Elementary Officer (Elementary),
Kovilpatti, Thoothukudi District.

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ORDER

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The petitioners have been appointed as secondary grade teachers. After their appointment they have acquired master degree in Sociology and Economic respectively. Based on this additional qualification they have been provided with incentive increment. However, subsequently the incentive increment provided to the petitioners has been cancelled and an recovery order has been passed. Aggrieved over the same, the petitioners have filed these writ petitions.

2.The learned counsel for the petitioners submits that as a policy, the government have provided incentive increment for the the Teachers who have acquired higher qualification. Now all of a sudden they have cancelled the incentive increment and directed to repay the same. The government have provided incentive increment based on the government orders in vogue. Without following the government order, they have cancelled the incentive increment provided to the petitioners.

3.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents submits that the petitioners are working

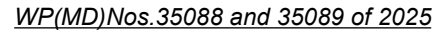


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as Secondary Grade Teachers and they are taking classes only upto 6th standard. This incentive increment is provided to encourage the Teachers to acquire additional qualification, to enrich their knowledge, which would be useful for the students and for the improvement of the education system. However in this case the petitioners have been provided with increment erroneously for their master degree in Sociology and Economics. Therefore, the department has ordered for recovery of the same, pursuant to the orders of this court in WP(MD)No.22704 of 2018, dated 20.01.2025.

4.The learned counsel for the petitioner submits that the as against the above order an appeal in WA(MD)No.874 of 2015 has been filed and the Division Bench by interim order dated 04.04.2025 has stayed the recovery.

5.This court has considered the rival submissions made and perused the materials placed on record.



However they have obtained Master of Arts degree in Sociology and Economics respectively, for which they have also been provided with incentive increment. This court in WP(MD)No.22704 of 2018, dated 21.01.2025 has passed an as follows:

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incentive increments provided to the Teachers for those, who have acquired M.Com., qualification cannot be accepted. The incentive increments, if any, provided wrongly is also out of the taxpayers money. The Government officials must realize their responsibility, while spending each and every penny of taxpayers money. The best form of courage is to accept the mistake and to correct it. It appears that the Government is not inclined to accept the mistake in sanctioning incentive increments to the irrelevant course acquired by some teachers. If any disparity, in providing incentive increment to ineligible teachers, would definitely demoralize the teachers, who are having similar qualification. 9. In view of the foregoing reasons and discussions, this writ petition is dismissed. Hope the Government shall find out the ineligible teachers, who are receiving incentive increments for their higher qualification without any relevancy and to take appropriate action to recover the same, as it is a loss to the public exchequer. No costs. Consequently, connected Miscellaneous Petitions are closed.”

7. The pendency of the writ appeal cannot be taken advantage of by the petitioners. The department has provided incentive increment



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erroneously without considering the relevancy of the degrees obtained by the petitioners. Even though the benefits have been provided erroneously, the same shall be recovered after providing reasonable opportunity and also by providing easy installment payment option. Therefore, these writ petitions are allowed. The impugned orders are set aside.

8.The respondent are directed to issue notice to the petitioners, provide opportunity and then take a decision. No costs. Consequently connected miscellaneous petitions are closed.

05.12.2025

DSK

To

- 1.The Principal Secretary to the Government,
Department of School Education,
Fort St.George, Chennai -9.
- 2.The Director of Elementary Education,
DPI campus, Chennai.
- 3.The Director of Elementary Officer (Elementary),
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B.PUGALENDHI.J.,

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