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WP No. 6150 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2026

CORAM

THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 6150 of 2025
and WMP.Nos.6760 & 12231 of 2025**

M.Latha
W/o E.Dhamodaran The Headmaster
The Panchayat Union Primary School
Kannadipalayam Kaniyampadi Union
Vellore District

Petitioner(s)

Vs

1. The Director Of Elementary
Education
Dpi Campus College Road Chennai
600006
- 2.The District Educational Officer
(Elementary)
District Elementary Education Office
Fort Round Vellore, Vellore District
- 3.The Block Development Officer
Kaniyambadi Block, Vellore District

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.306/A4/2023 dated 02.04.2024 and quash the same and consequently, direct the respondents to continue to pay the incentive increments granted to the petitioner for post for Post Graduation Degree and B.Ed., as per G.O.Ms.No.307, School education Department dated 15.12.2000.



For Petitioner(s): Mr.S.Sathia Chandran

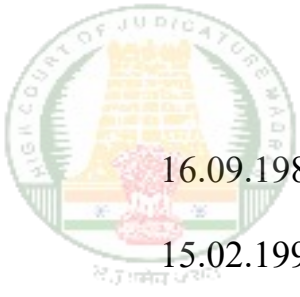
For Respondent: Mrs.Mythreye Chandran
Special Government Pleader

ORDER

This Writ Petition has been filed to call for the entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.306/A4/2023 dated 02.04.2024, and to quash the same and consequently, to direct the respondents to continue to pay the incentive increments granted to the petitioner, who had possessed the Post Graduation Degree and B.Ed., as per G.O.Ms.No.307, School education Department dated 15.12.2000.

2. Mrs.Mythreye Chandran, learned Special Government Pleader takes notice on behalf of the respondents. In view of the consent expressed by the learned counsel on either side, the Writ Petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner was appointed as a Secondary Grade Teacher in Panchayat Union Middle School, Namathodu by the District Educational Officer in the year 1988 and she joined the duty on



16.09.1988. After her probation period, her service got regularized on 15.02.1992. On 02.06.2009, the petitioner was promoted as Headmaster at Panchayat Union Middle School, Thuthikaadu. Meanwhile, she pursued P.G degree in History through Open University system in Annamalai University in the month of May 1996. Subsequently, she obtained B.Ed degree in Madras University in the month of October 1999. While so, the Government of Tamil Nadu issued G.O.Ms.No.307, School Education Department, dated 15.12.2000, providing incentive increments to all teachers, who had directly obtained Post Graduation degree from UGC recognized Universities, without undergoing UG, from the passing of the said G.O. Thereby, the petitioner has been receiving the incentive increment from 21.11.1999 till date. While so, the third respondent passed an order dated 02.04.2024, directing the petitioner to revert back the entire incentive increment, which she has obtained till date, which comes around Rs.3,00,600/- till 31.12.2023. Challenging the said impugned order, the petitioner has filed this Writ Petition.

4. Learned counsel for the petitioner submitted that as per G.O.Ms.No.307, School Education Department, dated 15.12.2000, incentive incrementd were granted to teachers who had obtained Post Graduation degree from UGC-recognized Universities. He submitted that the petitioner had obtained her Post Graduate degree in History through the Open University System from a UGC recognized University and, accordingly, the increment



incentive had been granted to her and paid continuously till date. While so, the impugned order passed by the third respondent, cancelling the benefit granted under the said G.O and directing the petitioner to revert back the entire incentive increments received by her till date, without issuing any notice or affording an opportunity of hearing to the petitioner, is wholly unsustainable in law, as it is in gross violation of the principles of natural justice. Hence, the learned counsel prays for allowing the Writ Petition by setting aside the impugned order of the third respondent.

5.1 Ms.Mythreye Chandran, learned Special Government Pleader appearing for the respondents submitted that it is inevitable to admit that the petitioner had been paid incentive increments on the basis of G.O.Ms.No.307, School Education Department, dated 15.12.2000. However, the Government, by a subsequent G.O.Ms.No.118, School Education SE5(2) Department, dated 10.07.2013, cancelled G.O.Ms.No.307, and ordered that teachers who had obtained P.G. degree through the Open University System without possessing a basic degree, cannot be considered as Post Graduates for appointment to Public Service as per G.O.Ms.No.116, Personnel and Administrative Reforms (M) Department, dated 18.08.2010.

5.2 The learned counsel further submitted that since the petitioner had pursued her Post Graduation Degree in History through Open University in



the year 1996, without possessing a basic degree of B.A History, she became ineligible to receive the incentive increment. He further submitted that an Audit Objection was raised in terms of G.O.Ms.118, directing recovery of the entire increment paid to the petitioner till date. Pursuant to the same, the third respondent issued proceeding in Na.Ka.No.306/A4/2023, dated 02.04.2024, directing the petitioner to refund the incentive increments received by her till date.

5.3 The learned counsel further submitted that if at all the petitioner is aggrieved by G.O.Ms.118, dated 10.07.2013, she ought to have challenge the said G.O, apart from challenging the impugned order of the third respondent. As such, he submitted that the impugned order passed by the third respondent cannot be interfered, as long as the Government Order remains in force. Hence, the learned counsel prays for dismissal of the Writ Petition.

6. Heard the contentions of the learned counsel on either side and perused the materials on record.

7.1 Since the petitioner herein had obtained a Post Graduate degree in History, she had been entitled to receive incentive increments as per G.O.Ms.No.307, dated 15.12.2000. However, the said G.O was subsequently superseded by G.O.Ms.No.118, School Education SE5(2) Department, dated



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7.2 This Court is of the considered opinion that any Government Order can operate only prospectively and not retrospectively. Therefore, the impugned order of the 3rd respondent, directing recovery of Rs.3,00,600/- up to 31.12.2023 from the petitioner, based on the audit objection in terms of G.O.Ms.No.118, cannot be legally sustained.

7.3 On this sole ground, the impugned order dated 02.04.2024 is hereby set aside. Further, the respondents are directed to refix the pay of the petitioner in terms of G.O.Ms.No.118, School Education SE5(2) Department, dated 10.07.2013, prospectively i.e., from today 06.01.2026, within a period of six (6) weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioner shall not be entitled to any incentive increment hereinafter.

8. This Writ Petition stands disposed of with the aforesaid directions and observation. There shall be no order as to costs. Consequently, connected Writ Miscellaneous Petitions are closed.

06-01-2026

Anu
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No



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M.DHANDAPANI J.

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