



WEB COPY

WP No. 9312 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 9312 of 2026

AND

WMP NO. 10032 OF 2026

D.Thamilarasi

..Petitioner(s)

Vs

1. The State Of Tamil Nadu
Rep by its Secretary to Government,
School Education Department,
Fort St. George, Chennai-600 009.
2. The Director of Elementary Education
O/o. The Director of Elementary Education,
School Education Department,
College Road, Chennai- 600 006.
3. The Financial Advisor and The Principal
Accounts Officer
Directorate of School Education,
DPI campus, College Road,
Chennai-600 006.
4. The District Educational officer
(Elementary)
O/o.The District Educational officer
(Elementary)
Paramakkudi,
Ramanathapuram District.



5. The Block Educational officer
O/o.The Block Educational office,
Kadaladi, Ramanathapuram District
Ramanathapuram District.

6. The Secretary
Bharatha Matha Primary School
Vadakku Naripaiyur
Kadaladi,Ramanathapuram District. 623135.

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the records of the 5th respondent in Proceedings having Ref. No.Na.Ka.No. 1313/A3/ 2025 dt 02.07.2025 and of the 6th Respondent proceedings Ref. Na.Ka. No.5/ 2025 dt 19.6.2025 raising audit objection to the grant of incentive increment to the Petitioner for the period from 11.09.2002 for obtaining M.com Degree and ordering recovery of the incentive increment granted to the petitioner from 11.09.2002 and refixation of the payscale of the petitioner and quash the same as arbitrary and Consequently direct the respondents 2 to 6 to continue to pay the incentive increment to the petitioner along with arrears if any for obtaining M.com Degree.

For Petitioner(s): Mr.K.Chandra

For Respondent(s): Ms.Mythrae Chandru
Special Government Pleader – R1 to R5



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Order

The present writ petition has been filed seeking the issuance of a writ of certiorarified mandamus to call for the records of the 5th respondent in proceedings bearing Ref. No. Na.Ka.No.1313/A3/2025 dated 02.07.2025 and the 6th respondent in proceedings bearing Ref. No. Na.Ka.No.5/2025 dated 19.06.2025, whereby an audit objection has been raised to the grant of incentive increment to the petitioner for having obtained M.Com. Degree and recovery has also been ordered along with re-fixation of pay, and to quash the same, and consequently direct the respondents 2 to 6 to continue to pay the incentive increment along with arrears.

2. In identical circumstances, this Court in W.P.No.7542 of 2026 dated 02.03.2026 has considered the very same issue involved in the present writ petition. Further, the Hon'ble Division Bench in W.A.No.2747 of 2023 dated 28.03.2025 has held as follows:

“Today the entire scheme for incentive increments has been withdrawn but the issue as to whether the said withdrawal can be prospective and it cannot operate



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retrospectively still lingers. We do not see the need to go into the said issue as it is not germane to the facts on hand. Here the respondent has completed M.A. (Economics) in May 2010 and B.Ed in December 2015. Therefore, she is entitled to two sets of advance incentive increments for these two higher qualifications obtained by her. The question of whether MA (Economics) would be useful to the School students or not cannot be gone into by us, as the Government, in its wisdom, had in GO.(Ms).No.324 dated 25.04.1995, consciously decided to confer the benefit of the incentive increments on all teachers who obtained higher qualifications in any subject found in the higher secondary syllabus.”

3. Since the relief sought for in the present writ petition is squarely covered by the aforesaid decision, this writ petition is also allowed on the same terms. The impugned proceedings are quashed and the respondents are directed to grant incentive increment to the petitioner for having obtained M.Com. Degree, together with all consequential benefits and



arrears. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SRN

To

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State Of Tamil Nadu
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O/o. The Director of Elementary Education,
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