



WEB COPY

WP No.6897 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 6897 of 2026
and
WMP Nos.7536 and 7537 of 2026**

P.Krishnaveni

..Petitioner

Vs

1. The Government of Tamil Nadu,
represented by Secretary to Government,
School Education Department,
Fort St.George, Chennai.
2. The Director of Elementary Education,
College Road,
Chennai-6.
3. The District Educational Officer (Elementary)
Krishnagiri District, Krishnagiri.
4. The Block Educational Officer.
Kelamangalam Panchayat Union
Krishnagiri, Krishnagiri District.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus, calling for the records of the 4th respondent in relation to the proceedings issued in Na.ka. No.324/A1/2025 dated 18.06.2025 and 9.2.2026 issued by the 4th respondent and quash the same and issue a consequential direction to the Respondents to grant incentive



increment for M.com to the petitioner continuously with all consequential benefits and arrears.

For Petitioner : Mr.R.Saseetharan

For Respondents : Ms.Mythreye Chandru
Special Government Pleader

ORDER

The writ petition is filed to call for the records of the 4th respondent in relation to the proceedings issued in Na.ka. No.324/A1/2025 dated 18.06.2025 and 09.02.2026 issued by the 4th respondent and quash the same and issue a consequential direction to the respondents to grant incentive increment for M.Com to the petitioner continuously with all consequential benefits and arrears.

2. The case of the petitioner is that the he was initially appointed as Junior Grade Secondary Teacher on 10.02.2005 on consolidated pay and at the time of appointment, she possessed only B.Com degree in Commerce, thereafter, her services were regularized in the year 2006. Subsequently, she acquired B.Ed degree in the year 2009, and M.Com degree in the year 2011. For acquiring B.Ed degree, the petitioner was granted first set of incentive increment in the year 2009 and for acquiring M.Com degree, the petitioner was granted second set of incentive increment in the year 2011. The petitioner also acquired B.A decree in the 2017. However, by way of impugned orders, dated 18.06.2025,



and 09.02.2026, the Block Educational Officer has cancelled the incentive increment granted for M.Com degree on the ground that M.Com degree is not a relevant subject for the primary school and directed for recovery as well as re-fixation by taking out the incentive increment granted for M.Com. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner would submit that in a similar situation, the Hon'ble Supreme Court in ***State of Punjab and others Vs Rafiq masih (White Washer) and others, 2015 (4) SCC 334***, has set aside the recovery order, however refused to grant incentive increment for the second degree on the ground that said degree is not a relevant subject for the primary schools. According, prayed for similar order in this writ petition. In Paragraph No.18 of the aforesaid decision, the Hon'ble Supreme Court held as under:-

“18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:

i. Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D



service).

ii. *Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.*

iii. *Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.*

iv. *Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.*

v. *In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would be iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.” (emphasis supplied)*

4. Learned Special Government Pleader did not dispute the fact submitted by the learned counsel for the petitioner.

5. In view of the above, the impugned order of recovery with respect to increment granted for acquiring M.Com degree, is hereby set aside. However,



the petitioner is not entitled for incentive increment for future and the respondents are directed to re-fix the pay by cancelling the second incentive increment with respect to M.Com degree alone without recovery.

6. The writ petition is disposed of with the above terms. No costs.
Consequently, connected miscellaneous petitions are closed.

20-02-2026

Index: Yes/No
MRN

To

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