



W.P.No.6138 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2026

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The Honourable **Mr.Justice Hemant Chandangoudar**

W.P.No.6138 of 2019

Pon. Arun Prasad

Deputy Director, Elementary Education (Retd)

..Petitioner

Vs.

1 The Government of Tamil Nadu

Rep.by Principal Secretary to Government

School Education Department, Fort St.George

Chennai – 600 009.

2. The Director of Elementary Education

DPI Campus, College Road,

Chennai – 600 006.

3. The Commissioner of Treasuries and Accountant

Panagal Building, Saidapet, Chennai – 600 015.

4. The Pay and Accounts Officer

Panagal Building, Saidapet, Chennai – 600 015.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the first and second respondents issued in G.O.1(D) No.31 School Education (S.E.5(2)) Department dated 12.02.2015 by the first respondent and to quash the same insofar as it relates to grant of second set of incentive increment from 18.01.2013 is concerned and insofar as the petitioner is



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concerned as also the proceedings issued in Na.Ka.No.021983/A1/2018 dated 24.10.2018 by the second respondent and to quash the same and issue a consequential direction to the respondents to grant second set of incentive increment for M.Phil qualification from the day following the last date of examination while the petitioner was working as Headmaster High School with all consequential benefits.

For Petitioner : Mr.R.Saseetharan
For Respondents 1 to 3 : Mr.P.Rajarajeswari
Government Advocate
Respondent-4 : Notice Served, None appeared

Order

The petitioner has challenged the proceedings issued by the first respondent in G.O.(1D) No.31, School Education (S.E.5(2)) Department, dated 12.02.2015, insofar as it relates to the grant of the second set of incentive increments only from 18.01.2013 in respect of the petitioner, as well as the consequential proceedings issued by the second respondent in Na.Ka.No.021983/A1/2018 dated 24.10.2018.

2. The petitioner seeks to quash the said proceedings and for a consequential direction to the respondents to grant the second set of incentive increments for acquiring the M.Phil qualification from the day following the last date of examination while he was serving as Headmaster,



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High School, together with all consequential benefits.

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3. The facts of the case, in brief, are as follows:

i) The petitioner was promoted to the post of Headmaster on 05.01.2005.

While serving in that capacity, he acquired the qualification of M.Phil in August 2008. Subsequently, the petitioner was promoted to the post of District Educational Officer, Kancheepuram District on 09.08.2010 and thereafter promoted as Chief Educational Officer, Thiruvannamalai District on 08.11.2012.

ii) While so, the Government, vide G.O.(1D) No.18 dated 18.01.2013, brought an amendment to G.O.Ms.No.1024 dated 19.12.1993 and directed that B.T. Assistants are entitled to incentive increments for the second time for acquiring M.Phil/Ph.D. qualifications. Subsequently, the Government, vide G.O.(1D) No.31 dated 12.02.2015, included Headmasters of High Schools along with B.T. Assistants as being entitled to the second set of incentive increments for acquiring the M.Phil qualification. However, it was directed that such a second set of incentive increments would be granted only from the date of issuance of the Government Order dated 18.01.2013.



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iii) By virtue of the said Government Order, the second set of incentive increments for acquiring the M.Phil qualification was restricted to the date of issuance of the Government Order dated 18.01.2013 and not from the date of acquisition of the higher qualification, namely M.Phil. Aggrieved by the same, the present Writ Petition has been filed.

4. At the outset, the learned counsel for the petitioner submitted that the issue involved in this Writ Petition has already been considered by the Hon'ble Madurai Bench of this Court in W.A.(MD) No.1556 of 2025 dated 27.06.2025. It is further submitted that this Court, following the said judgment, has allowed a Writ Petition filed by similarly placed persons in W.P.No.23112 of 2017 by order dated 08.12.2025. Therefore, the learned counsel prayed that similar relief may also be granted to the petitioner.

5. The learned State Counsel appearing for respondents 1 to 3, however, contended that the judgment relied upon by the learned counsel for the petitioner in W.A.(MD) No.1556 of 2025 dated 27.06.2025 was rendered without adhering to Rule 26 of the Fundamental Rules and therefore the said decision cannot be made applicable to the petitioner's case. It was further contended that as on the date of issuance of the Government Order, the petitioner was not serving as Headmaster and therefore the second set of



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incentive increments cannot be granted from the date of acquisition of the higher qualification (M.Phil). According to the respondents, the petitioner would be entitled to the said benefit only from the date of issuance of the Government Order dated 18.01.2013.

6. The submissions made by the learned counsel for the petitioner and the learned State Counsel appearing for respondents 1 to 3 have been duly considered.

7. As rightly pointed out by the learned counsel for the petitioner, the issue involved in the present Writ Petition is no longer res integra, since it has already been considered by the Hon'ble Madurai Bench of this Court in W.A.(MD) No.1556 of 2025 dated 27.06.2025, wherein it has been held that the incentive increment should be granted in accordance with Rule 26 of the Fundamental Rules.

8. In fact, this Court, following the above decision of the Hon'ble Madurai Bench, allowed a Writ Petition filed by similarly placed persons in W.P.No.23112 of 2017 by order dated 08.12.2025.

9. Though the learned State Counsel for the respondents contended that the judgment of the Hon'ble Madurai Bench cannot be applied to the



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petitioner's case on the ground that the said decision was rendered without adhering to Rule 26 of the Fundamental Rules and also on the ground that the petitioner was not serving as Headmaster on the date of issuance of the Government Order, this Court is unable to accept the said contention. In the very same judgment, the Hon'ble Division Bench has clearly held that Rule 26 of the Fundamental Rules provides that a person who passes an examination becomes entitled to draw an increment from the day following the last day of the examination, provided the person concerned is otherwise eligible for such increment. Therefore, this Court is inclined to allow the present Writ Petition on the same lines.

10. Accordingly, this Writ Petition stands allowed and the impugned proceedings dated 24.10.2018, insofar as it relates to the grant of the second set of incentive increments from 18.01.2013, are hereby quashed. The petitioner is entitled to the grant of the second set of incentive increments from the date immediately following the last date of examination for acquiring the higher qualification (M.Phil), subject to his being otherwise eligible. The respondents are directed to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order.



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Index : yes/no

Neutral Citation : yes/no

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Hemant Chandangoudar,J.,

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