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WP No. 7738 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

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

W.P No. 7738 of 2026

AND

WMP Nos. 8348 & 8350 of 2026

V.Sathiya
W/o. V. Muthukumaran,
Headmaster,
Panchayat Union Middle School,
Killiyanur, Kuthalam Block,
Mayiladuthurai District.

..Petitioner

Vs

1. The Director of Elementary Education
Perasiriyar Anbazhagan Kalvi Valaglam,
College Road, Chennai - 600 006.
2. The District Educational Officer (Elementary)
Mayiladuthurai District
Mayiladuthurai.
3. The Block Educational Officer
Kuthalam Block
Mayiladuthurai District.
4. The Principal Accountant General (A and E)
Tamil Nadu,
O/o. The Principal Accountant General
AGs. Office Complex, 361 Anna Salai,
Teynampet, Chennai - 600 018.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari to call for the records relating to the



impugned order issued by the 3rd respondent in Na.Ka.No.884/A1/2025 dated 29.12.2025 and to quash the same and to pass orders.

For Petitioner:

Mr.S.Nedunchezhiyan

For Respondents:

Mrs.Mythreye Chandru
Special Government Pleader for R1 to R3

Mr.P.Manorajan
Standing Counsel for R4

ORDER

This writ petition is filed challenging the impugned order issued by the 3rd respondent in Na.Ka.No.884/A1/2025 dated 29.12.2025 and to quash the same.

2. The petitioner holds a degree in M.A., M.Ed., (Economics). She was initially appointed as a Secondary Grade Teacher in Elementary Education on 09.10.1996, and presently as Middle School Headmaster in Panchayat Union Middle School Killiyanur, Kuthlam Block, Mayiladuthurai District and was due to retire from service on 30.04.2026.

3. The petitioner would submit that the persons working as Secondary Grade Teachers / Headmasters qualified with B.A., / M.A., and B.Ed., have been sanctioned with incentive increment as per the Government Order in G.O.Ms.No.324 dated 25.04.1995 and subsequently, vide G.O.Ms.No.134



School Education Department dated 15.06.2007, the persons who possessed the qualification of degree in any subject including B.A.(Economics), B.Com., B.A (Political Science) etc., before 01.01.2007, are eligible to be considered for promotion for the post of Middle/Primary School Headmaster, and have been granted with incentive increment for the same in accordance with government order, restricting the total number of increments to two in the entire service career.

4. The petitioner would further submit that by the impugned proceedings dated 29.12.2025, the 3rd respondent had cancelled the incentive increment granted to her for M.A.(Economics) Degree qualification, with effect from 25.05.1999, as well as passed a consequential order of recovery of salary paid in excess, and she is directed to remit the same in the Government Account within 15 days. According to the petitioner, the impugned notice was served on her, on 05.01.2026. In the impugned order, the 3rd respondent has drawn reference to G.O.Ms.No.134 School Education (G2) Department dated 15.06.2007, and the proceedings of the Director of Tamil Nadu Elementary Education in Na.Ka.No.017731/E1/2015 dated 24.08.2016, and would state that the persons who are qualified with degree in principal subjects namely English, Tamil, Science, Maths and Social Science, alone are eligible for incentive increments and since the petitioner possessed the degree in M.A., Economics, she not is eligible for the grant of incentive. Since, the incentive increment has been



granted to the petitioner by oversight, vide proceedings of the Assistant Elementary Educational Officer, Kuthalam, dated 21.01.2000, the two incentive increments granted to her was cancelled and the petitioner was directed to remit the incentive increment received by her from the year 1999. The impugned order also states that if the petitioner has any objection to the impugned proceedings, she can address the same within 15 days. The petitioner would state that she had submitted her objection on 06.01.2026. However, her objection was not considered. Aggrieved by the impugned order, the petitioner is before this Court.

5. Heard the learned counsel appearing on either side and also perused the records.

6. The impugned order has been passed for withdrawing incentive granted to the petitioner on the ground that she has not possessed the qualification in principal subjects namely English, Tamil, Science, Maths and Social Science. Such a decision is contrary to the language of the Government Order in G.O.Ms.No.324 Education, Science and Technology Department, dated 25.04.1995. The Government in the aforesaid Government Order had decided to stipulate higher secondary syllabus subjects as 'relevant subjects' for the purpose of sanctioning incentive increment. In paragraph 5 (ii) of the said Government Order, the Secretary to Government would state as follows:



“For the sanction of incentive increments the subjects in the Higher Secondary Syllabus shall be the relevant subjects.”

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7. A reading of the above would clearly show that qualification in any of the subjects in the higher secondary syllabus are the relevant subjects. Admittedly, Economics is a part of the higher secondary syllabus. The petitioner has admittedly qualified herself with M.A., B.Ed degree in Economics.

8. In a similar case, the Division Bench of this Court in W.A.No.2747 of 2023 dated 28.03.2025, had observed 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 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 M.A., (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.”



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9. The above discussion would apply on all fours to the case on hand and as the petitioner having qualified with M.A., B.Ed., in Economics, she is entitled to sanctioning of incentive increment.

10. Therefore, this writ petition is allowed and the impugned order is quashed and the respondents are directed to grant incentive increment to the petitioner continuously with all consequential benefits and arrears. Consequently, the connected miscellaneous petitions are closed. No costs.

03-03-2026

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

DS



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