



/IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

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

WP No. 12648 of 2026 AND WP NO. 12705 OF 2026, WP NO. 12698 OF 2026, WP NO. 12685 OF 2026, WP NO. 12677 OF 2026, WP NO. 12657 OF 2026

and

WMP.Nos.13805, 13808, 13813, 13819, 13874, 13877, 12855, 12852, 13842, 13844, 13888, 13890/2026

WP.No.12648 of 2026

M. Selvaraj, S/o. Muniyappan, 2/73, Middle Street,
Thandavarayapuram Post, Attur Taluk, Salem
District.

..Petitioner(s)

Vs

1. The Director Of School Education
(personnel) Directorate of School Education,
DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer
(Audit) Directorate of School Education,
School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the
Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary
School, Keeripatti, Attur Taluk, Salem
District. -636 107

..Respondent(s)

WP No. 12705 of 2026

P.Anbarasan S/o. Periyasamy, 9/100, Mariyamman
Kovil Street, Kadambur Post, Gangaivalli Taluk,
Kadambur, Salem-636 105

..Petitioner(s)

Vs

1. The Director Of School Education
(personnel) Directorate of School Education,
DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer
(Audit) Directorate of School Education,
School Education Department, Coimbatore.



3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

..Respondent(s)

WP No. 12698 of 2026

V. Maheswari D/o. Varadhan, 1/180, Avarankorai, Moolapallipatti (post), Rasipuram, Namagiripettai, Namakkal -637 406

..Petitioner(s)

Vs

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

..Respondent(s)

WP No. 12685 of 2026

A. Don Bosco S/o. Augustine, 42/2 Second Street, Selliamman Nagar, Valapadi, Salem-636 115

..Petitioner(s)

Vs

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

..Respondent(s)



WP No. 12677 of 2026

P. Rajiv Gandhi S/o. Perumal 3/62 South Kadu,
Akkichettipalayam, Palaniyapuri, Attur, Salem
-636 108

..Petitioner(s)

Vs

1. The Director Of School Education
(personnel) Directorate of School Education,
DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer
(Audit) Directorate of School Education,
School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the
Chief Educational Officer, Villupuram District.
4. The Headmaster Government Higher Secondary
School, Kotapoondi, Villupuram District -604
201

..Respondent(s)

WP No. 12657 of 2026

E. Padmavathi D/o. Elumalai, Reddiyar Street,
Tindivanam Taluka, Then Alapakkam, Mailam,
Tindivanam, Villupuram-604 304

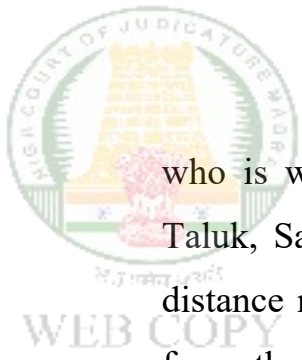
..Petitioner(s)

Vs

1. The Director Of School Education
(personnel) Directorate of School Education,
DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer
(Audit) Directorate of School Education,
School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the
Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary
School, Keeripatti, Attur Taluk, Salem
District. -636 107

..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari mandamus Calling for the records of the 2nd Respondent in proceedings having Na.Ka.No.053130/AaGaTha/2023 dated Nil, 08.2024 raising audit objection to the grant of incentive to the Petitioner



who is working in Government Higher Secondary School, Keeripatty, Attur Taluk, Salem for the M.Phil Degree for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 31.01.2017 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary .

WP No. 12705 of 2026

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 2nd Respondent in proceedings having Na.Ka.No.1240/E9/2018 dated Nil, raising audit objection to the grant of incentive to the Petitioner who is working as PG Assistant in the Government Higher Secondary School, Manjini, Attur (taluk) Salem District, for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 14.11.2017 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary.

WP No. 12698 of 2026

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 2nd Respondent in proceedings having Na.Ka.No.007829/AaGaTha/2025 dated Nil, 08.2025 raising audit objection to the grant of incentive to the Petitioner who is working as GHSS Keeripatti, Attur Taluk, Salem for the M.Phil Degree for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 22.09.2017 and quash the same as arbitrary and consequently direct the respondents to continue to pay the



incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary.

WP No. 12685 of 2026

WEB COPY

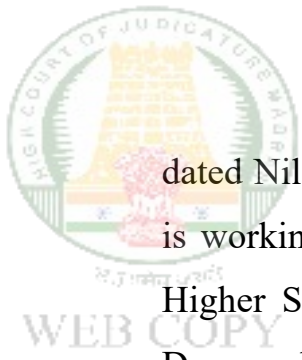
Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus Calling for the records of the 2nd Respondent in proceedings having Na.Ka.No.053130/AaGaTha/2023 dated Nil, 08.2024 raising audit objection to the grant of incentive to the Petitioner who is working in Government Higher Secondary School, Keeripatty, Attur Taluk, Salem for the M.Phil Degree for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 23.01.2019 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary .

WP No. 12677 of 2026

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 2nd Respondent in proceedings having Na.Ka.No.3167/E17/2019 dated 31.12.2018 raising audit objection to the grant of incentive to the Petitioner who is working in Government Higher Secondary School, Thandavarayapuram, Attur Taluk, Salem for the M.Phil Degree for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 30.03.2015 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary.

WP No. 12657 of 2026

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 2nd Respondent in proceedings having Na.Ka.No.1240/E9/2018



dated Nil, raising audit objection to the grant of incentive to the Petitioner who is working as Graduate Teacher -Maths in the Graduate Teacher Government Higher Secondary School, Bommanaicken Palayam, Tiruppur for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 27.12.2016 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary.

For Petitioner(s)
in all WPs:

M.P.Rajavelayutham Ka.Prabaharan-MS/952/2011
K.Jeenathbegum-MS/2149/2013K. Sujeetha K.
Thanigaivel

For Respondent(s) in
all WPs:

M/s.Mythreye Chandru, SGP for RR 1 to 4

Common Order

By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2.M/s.Mythreye Chandru, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 4.

3.Challenging the impugned orders of recovery dated Nil.08.2024, the petitioners have filed the above writ petitions with a further prayer to direct the respondents to continue to pay the incentive amount to the petitioners for having acquired M.Phil Degree through part time mode along the petitioners' salary.

4.The learned counsel appearing for the petitioners submitted that the petitioners were appointed as PG Assistants and BT Graduate Teacher in the respective Government Higher Secondary Schools, in, Salem District, on



various dates. The petitioners completed their M.Phil Degree Course in the year 2016 from Bharathidasan University, and Periyar University, after obtaining necessary permission from the Joint Director (Higher Secondary), Tamil Nadu School Education, for which, incentive increment was also sanctioned to the petitioners. However, the 2nd respondent has issued the impugned proceedings raising audit objection for grant of incentive to the petitioners on the ground that the petitioner obtained the higher education through the part time mode and sought recovery of the amount granted to them.

5.The learned counsel appearing for the petitioners further submitted that the Headmasters of the respective Schools have the power to give permission to the Teachers working in their Schools for pursuing higher studies. The learned counsel further submitted that the Hon'ble Division Bench of this Court in ***W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others] dated 04.08.2023***, has held that the Government Order in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009, has only mentioned about the eligibility for a person to get employment and does not deal with anything about allowing of advance incentive increment to the Teachers who acquired higher qualification and prayed for allowing the writ petition.

6.The learned Special Government Pleader fairly submitted that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmaster of the School



has the power to give permission to the Teachers working in the School for pursuing higher studies. In the present case, the petitioners have obtained permission for pursuing their M.Phil Degree from the Joint Director (Higher Secondary), Tamil Nadu School Education, however, the said fact has not been properly appreciated by the respondents.

7. Heard the arguments advanced on either side and perused the materials available on record.

8. The petitioners were appointed as PG Assistants and BT Assistant in the respective Government Higher Secondary Schools, at Salem District on 02.01.2013. The petitioners completed their M.Phil Degree Course from Barathidasan University and Periyar University after obtaining necessary permission from the Joint Director (Higher Secondary), Tamil Nadu School Education.

9. It is equally undisputed fact that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmasters of the Schools have the power to give permission to the Teachers working in the School for pursuing higher studies.

10. Insofar as the issue with regard to obtaining higher degrees for getting increments is concerned, the same has been decided by the Hon'ble Division Bench of this Court in ***W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others]*** dated 04.08.2023 and it is useful to extract hereunder the relevant portion of the said judgment:



“33. In this context, the learned Government Pleader appearing for the State has relied upon the G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 and has stated that the Government by the said G.O, declared that the M.Phil and Ph.D degree obtained through the correspondence or Distance Education or Open University system are ineligible for Government appointments and appointment as lecturers in colleges or Universities including self-financing colleges, therefore the import of the said G.O.Ms.No.91, dated 03.04.2009 if it is implemented that will stand in the way for extending the benefit of advance incentive increment to the teachers.

34.However, the said submission made by the learned Government Pleader is liable to be rejected because, the said G.O has only mentioned about the eligibility for a person to get employment. Here, the teachers, as per earlier qualification acquired already, been appointed as teachers or lecturers and the benefit now questioned is only the grant of advance incentive increment for having acquired the higher qualification. Therefore, the G.O.Ms.No.91 dated 03.04.2009 issued by the Higher Education Department does not deal with anything about the allowing of advance incentive increment to the teachers, who acquired higher qualification, therefore, that argument made by the learned Government Pleader also is to be rejected and accordingly, it is



rejected.”

11. In the decision cited supra, the Hon'ble Division Bench of this Court has clearly held that G.O.Ms.No.91 dated 03.04.2009 issued by the Higher Education Department does not deal with anything about the allowing of advance incentive increment to the teachers, who acquired higher qualification and therefore cannot be quoted to deny the incentive increment.

12. In view of all the above, the writ petitions are allowed and the impugned proceedings of the 2nd respondent dated Nil.08.2024, in the above writ petitions, are set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

To

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

WP No. 12705 of 2026

To

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.



3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

WP No. 12698 of 2026

To

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

WP No. 12685 of 2026

To

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107

WP No. 12677 of 2026

To

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Villupuram District.
4. The Headmaster Government Higher Secondary



School, Kotapoondi, Villupuram District -604
201

WP No. 12657 of 2026

To

WEB COPY

1. The Director Of School Education (personnel) Directorate of School Education, DPI Campus, College Road, Chennai-600 006
2. The Divisional Accounts Officer (Audit) Directorate of School Education, School Education Department, Coimbatore.
3. The Chief Educational Officer, Office of the Chief Educational Officer, Salem District.
4. The Headmaster Government Higher Secondary School, Keeripatti, Attur Taluk, Salem District. -636 107



WEB COPY

WP No. 12648, 12705, 12698, 12685, 12677 & 12657 of 2



P.T.ASHA J.

AP

**WP No. 12648 of 2026, WP NO. 12705 OF 2026,
WP NO. 12698 OF 2026, WP NO. 12685 OF 2026,
WP NO. 12677 OF 2026, WP NO. 12657 OF 2026**

07-04-2026