



WEB COPY



W.P.No.6955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.6955 of 2024
and W.M.P.Nos.7753 & 32224 of 2024

K.Anbukkarasi

... Petitioner

Vs

1.The Director of School Education,
College Road, Chennai-6.

2.The Zonal Accounts Officer (Audit)
School Education Department,
Coimbatore-641 001.

3. The Chief Educational Officer,
Namakkal District.

4.The District Educational Officer,
Namakkal District.

5.The Headmaster,
Government of Girls Higher Secondary School,
Kumarapalayam
Namakkal District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records connected with the impugned order passed by the 5th respondent in Na.Ka.No.323/2023, dated 26.12.2023 and quash the same and consequently direct the respondents to restore the scale of pay of the petitioner, by restoring one set of incentive increment granted to the petitioner for acquiring the post of P.G.Diploma in Yoga and disburse the differential salary from September 2021 onwards.



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For Petitioner : Mr.R.D.Ashok Kumar
for Mr.S.N.Ravichandran

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

Aggrieved by the order of recovery passed by the 5th respondent, the petitioner is before this Court.

2. The Petitioner completed C.Ped course and was appointed as Physical Educational Teacher by way of direct recruitment in the Government Higher Secondary School, Anuparpalayam. After obtaining prior permission from the 5th respondent school, the petitioner completed B.Lit and B.Ed Degree and thereafter acquired a Post Graduate Diploma in Yoga at Annamalai University in the year 2017. Pursuant to G.O.Ms.No.177, School Education Department, dated 13.10.2016, one set of incentive increment was granted to the petitioner for acquiring the Post Graduate Diploma in Yoga by the 4th respondent w.e.f 01.06.2017. However, based on the audit objection raised by the 2nd respondent, the 5th respondent, by the impugned proceedings dated 26.12.2023 cancelled the incentive increment earlier granted to the petitioner and ordered recovery of a sum of Rs.1,64,566/-. Aggrieved by which, the petitioner has come up with the present Writ Petition.

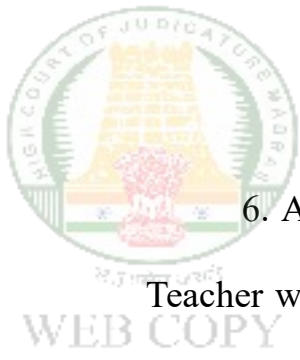


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3. Learned counsel appearing for the petitioner submitted that the impuged order passed by the 5th respondent is erroneous and illegal as the same runs contrary to the provisions of G.O.Ms.No.177, School Education Department, dated 13.10.2016, which provides for grant of 2nd set of incentive to Physical Education Teachers who completed Post Graduate Diploma in Yoga and therefore, the order impugned in this Writ Petition is liable to be interfered with. Accordingly, he prayed for allowing the Writ Petition.

4. Learned Special Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.177, School Education Department, dated 13.10.2016, the Physical Education Teacher is entitled for second set of incentive increment for acquiring Post Graduate Diploma in Yoga, only if the said Teacher was already sanctioned first set of increment for acquiring B.T or B.Ed prior to issuance of G.O.Ms.No.624 School Education Department dated 13.07.1992 and the impugned order have been passed in consonance with G.O.Ms.No.177, the same cannot be found fault with and does not require any interference.

5. Heard the learned counsel appearing on either side and perused the materials available on record.



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6. Admittedly, the petitioner entered into service as a Physical Education Teacher with basic qualification of C.P.Ed and thereafter, the petitioner acquired B.Lit and B.Ed Degrees. Though the said qualifications may not be directly relevant to the post of Physical Education Teacher, the petitioner was granted incentive increment in accordance with relevant Government Orders.

7. According to the respondents, for grant of first set of incentive, the petitioner should have possessed the qualification of B.P.Ed whereas the petitioner possess C.P.Ed. However, the incentive increment was sanctioned for acquiring a post Graduate Diploma in Yoga which is a qualification relevant to the post of Physical Education Teacher. The 5th respondent, by proceedings dated 26.12.2023 sought to cancel the said incentive increment on the ground that the P.G Diploma in Yoga is not a higher qualification in terms of G.O.No.177 dated 13.10.2016.

8. In order to ascertain whether the P.G Diploma in Yoga is a relevant qualification, this Court perused the G.O.Ms.No.177 which stipulates that Physical Education Teacher is entitled for incentive increments. It is the specific case of the respondents that, without acquiring B.T or B.Ed, the petitioner is not entitled to claim incentive increments for higher qualification is not the basis on which, the impugned order has been passed. The impugned order solely proceeds



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on the ground that the P.G. Diploma in Yoga is not a higher qualification for grant of incentive increments. Such reasoning, in the considered view of this Court, is wholly misconceived.

9. When the petitioner entered in service with C.P.Ed qualification and subsequently acquired the P.G.Diploma in Yoga which is relevant to the field of Physical Education, the same qualifies as a higher qualification for the purpose of incentive increments. Hence, the order impugned in this Writ Petition is liable to be interfered with.

10. Accordingly, the Writ Petition is allowed and the impugned order dated 26.12.2023 is hereby set aside. The respondents are directed to restore the incentive increments sanctioned to the petitioner in terms of G.O.Ms.No.177 dated 13.10.2016 and to refund the amount, if any recovered, within a period of twelve (12) weeks from the date of receipt of a copy of this order. There shall be no costs. Consequently, the connected Miscellaneous Petitions are closed.

06.01.2026

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



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M.DHANDAPANI, J

Nhs

To

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