



WEB COPY

WP No. 11556 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 30-03-2026**

CORAM

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

**WP No. 11556 of 2026  
and W.M.P.No.12609 of 2026**

B.Murali  
S/o.K.T.Belli,  
2-468, Anikorai (Post and Village)  
The Nilgiris Dist- 643 206.

..Petitioner(s)

Vs

1. The State of Tamil Nadu  
Rep. by its Secretary to Government,  
School Education Department,  
Fort.St.George, Chennai-09.
2. The Director of Elementary Education  
O/o.The Director of Elementary Education,  
School Education Department,  
College Road,Chennai-06.
3. The Financial Advisor and the Principal  
Accounts Officer  
Directorate of School Education,  
DPI Campus, College Road, Chennai-06.
4. The District Educational Officer (Elementary)  
O/o.The District Educational Office (Elementary)  
Otakamund, The Nilgiris District.
5. The Block Educational Officer  
O/o.The Block Educational office,  
Coonnor, The Nilgiris District.



6. The Secretary  
Government Aided Primary School  
Melsingara, Singara Estate, Coonnor  
The Nilgiris District- 643 101.

..Respondent(s)

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent proceedings having Ref. No.Na.Ka.No.649/A2/ 2025 Dt. 19.06.2025 and of the 6<sup>th</sup> respondent proceedings having Ref. No.Na.Ka.No.12/A1/2025 dt. 03.07.2025 raising objection to the grant of incentive increment to the petitioner for the period from 29.12.2011 for obtaining B.Com B.Ed Degree and from 05.01.2015 for obtaining M.A. (Tamil) degree in pursuant to the proceedings of the 2nd Respondent having Ref. Na.Ka.No.028490/E1/ 2024 dt 17.06.2025 and ordering recovery of the incentive increment of Rs.12,12,720 /- paid to the petitioner from 29.12.2011 and 05.01.2015 in 60 equal monthly instalments of Rs.20,212/- and refixation of the payscale of the petitioner and quash the same as arbitrary and consequently direct the Respondents 2 to 6 to continue to pay the incentive increment to the petitioner along with arrears if any and reimburse the recovery amount made from August 2025, for obtaining B.Com, B.Ed Degree and M.A (Tamil) and pass orders.

For Petitioner : Ms.C.Uma

For Respondent(s): Mrs.Mythreye Chandru,  
Special Government Pleader



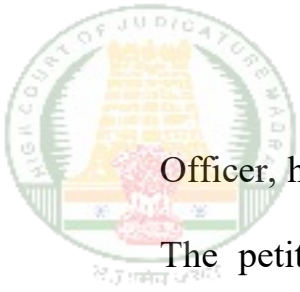
## ORDER

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The writ petition is filed for the following relief :

*“ To call for the records of the 5th respondent proceedings having Ref. No.Na.Ka.No.649/A2/ 2025 Dt. 19.06.2025 and of the 6<sup>th</sup> respondent proceedings having Ref. No.Na.Ka.No.12/A1/2025 dt. 03.07.2025 raising objection to the grant of incentive increment to the petitioner for the period from 29.12.2011 for obtaining B.Com B.Ed Degree and from 05.01.2015 for obtaining M.A. (Tamil) degree in pursuant to the proceedings of the 2nd Respondent having Ref. Na.Ka.No.028490/E1/ 2024 dt 17.06.2025 and ordering recovery of the incentive increment of Rs.12,12,720 /- paid to the petitioner from 29.12.2011 and 05.01.2015 in 60 equal monthly instalments of Rs.20,212/- and refixation of the payscale of the petitioner and quash the same as arbitrary and consequently direct the Respondents 2 to 6 to continue to pay the incentive increment to the petitioner along with arrears if any and reimburse the recovery amount made from August 2025, for obtaining B.Com, B.Ed Degree and M.A (Tamil)”*

2. The petitioner who possessed B.Com., B.Ed., degree was initially appointed as Secondary Grade Teacher in Government Aided Primary School, Melsingara, Coonoor Block, The Nilgiris District on 03.12.2001, and subsequently, he continued to work as Headmaster in the same school. The petitioner after obtaining necessary permission from the Assistant Elementary



Officer, had pursued his M.A., degree and obtained a degree in December 2014.

The petitioner would submit that he has been granted with 1<sup>st</sup> incentive increment with effect from 29.12.2011, vide proceedings of the Assistant Elementary Educational Officer, Coonoor, on 12.06.2012, for possessing for B.Com., B.Ed., degree and 2<sup>nd</sup> incentive increment for M.A., degree with effect from 05.01.2015, vide proceedings dated 09.11.2017.

3. While so, the 5<sup>th</sup> respondent had issued the proceedings dated 19.06.2025 to the 6<sup>th</sup> respondent intimating to cancel the incentive increment granted to the petitioner. The 6<sup>th</sup> respondent vide his proceedings dated 03.07.2025, inter alia cancelled the incentive increment granted to the petitioner and fixed his salary and ordered recovery of sum of Rs.12,12,720/- in 60 equal instalments of Rs.20,212/- from August 2025.

4. The petitioner contends that impugned proceedings came to be passed on the basis of the proceedings of the second respondent dated 24.08.2016. The learned counsel would submit that the said proceedings of the 2<sup>nd</sup> respondent was issued only on 24.08.2016, whereas the petitioner was sanctioned with increment from 29.12.2011 and 05.01.2015. Thus, the proceedings of the 2<sup>nd</sup> respondent will have no application in respect of the increments already sanctioned to him and hence, the impugned order is liable to be interfered with by this Court.



5. Heard the learned counsel for the petitioner and also perused the materials placed on record.

6. The impugned order of the 5<sup>th</sup> respondent has been passed directing to withdraw the incentive increments granted to the petitioner for having obtained B.Com., B.Ed, and M.A degree on the ground that the teachers who are working in Government Aided School teaches only subjects namely Tamil, English, Mathematics, Science and Social Science, and not the higher secondary syllabus. Such a decision is contrary to the language of the Government Order in G.O.Ms.No.324 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.

7. 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.”*

8. A reading of the above would clearly show that qualification in any of the subjects in the higher secondary syllabus would constitute “ a relevant subject”.

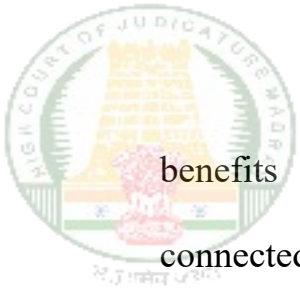


9. In a similar case, the Division Bench of this Court in W.A.No.2747 of 2023 dated 28.03.2025, observed as follows:

*“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 MA (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.”*

10. The above decision of the Division Bench would apply on all fours to the present case. Therefore, the impugned orders are liable to be quashed.

11. Accordingly, the writ petition is allowed and the impugned orders of 5<sup>th</sup> and 6<sup>th</sup> respondents are hereby quashed and the respondents are directed to grant incentive increments to the petitioner continuously, with all consequential



benefits and arrears. There shall be no order as to costs. Consequently,  
connected miscellaneous petition is closed.

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30-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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