



WEB COPY

WP No. 11709 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. 11709 of 2026
and W.M.P.Nos.12770 & 12772 of 2026**

R.Thavamani
W/o.M.Sivalingam,
No.2/67, Paraiyapatti, Pudur Village and Post
Pappireddipatti Taluk,
Dharmapuri District- 636 903.

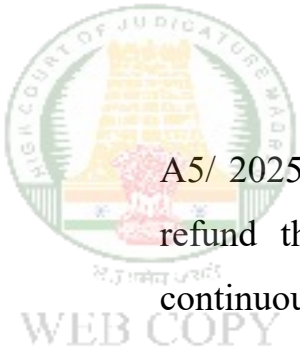
..Petitioner

Vs

1. The Government of Tamil Nadu
Rep by its Secretary, School Education Department
Fort St. George, Chennai- 600 009.
2. The Director Of Elementary Education
College Road, Chennai-600 006.
3. The District Educational Officer (Elementary)
DEO Office, Harur,
Dharmapuri District, Pin Code- 636 903.
4. The Block Educational Officer
Harur Block, Harur Educational District,
Dharmapuri District, Pin Code- 636 903.

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders of the 2nd respondent passed in Na.Ka.No. 028490/E1/2024 dated 17.06.2025 and the consequential order of refixation of salary and recovery passed by the 4th respondent in his proceedings in Na.Ka.No. 911/



A5/ 2025 dated 24.06.2025, and quash the same and direct the respondents to refund the recovery effected from June 2025 to February 2026 and continuously pay incentive increment for M.Com degree.

For Petitioner: Mr.P.Ebenezer Paul

For Respondents: Mrs.Mythreye Chandru
Special Government Pleader

ORDER

The writ petition is filed for the following relief :

“ To for the records relating to the orders of the 2nd respondent passed in Na.Ka.No. 028490/E1/ 2024 dated 17.06.2025 and the consequential order of refixation of salary and recovery passed by the 4th respondent in his proceedings in Na.Ka.No. 911/ A5/ 2025 dated 24.06.2025, and quash the same and direct the respondents to refund the recovery effected from June 2025 to February 2026 and continuously pay incentive increment for M.Com degree and pass orders.”

2. The petitioner having completed her B.Com., degree in 2000 and M.Com degree in 2003 and diploma in Teacher Education, was appointed as Secondary Grade Teacher in Panchayat Union Primary School at Mopperipatti Panchayat Union on 21.08.2005. Thereafter, she was transferred to P.Pappanayakanivalasai Panchayat Union Primary School, Mampatti Post, Harur Taluk, Dharmapuri District. Subsequently, the petitioner had obtained



B.Ed., degree from Sastra University in May 2013 and B.A., English degree from Manonmaniam Sundaranar University in 2016. The petitioner would submit that she has been granted with 1st incentive increment in the year 2013, for possessing M.Com., B.Ed., degree and ultimately she had received four incentive increment for having possessed higher qualifications in all these years.

3. While so, the 2nd respondent had issued the proceedings dated 17.06.2025 to the 4th respondent intimating to cancel the incentive increment granted to the petitioner. The 4th respondent vide his proceedings dated 24.06.2025 inter alia cancelled the incentive increment granted to the petitioner and refixed her salary and ordered recovery of sum of Rs.5,11,344/-.

4. The petitioner contends that impugned proceedings came to be passed on the basis of the proceedings of the second respondent dated as early as 24.08.2016. The learned counsel would submit that the proceedings of the 2nd respondent was issued only on 24.08.2016, whereas the petitioner was sanctioned with increment from 2013. Thus, the proceedings dated 24.08.2016 will have no application in respect of the increments already sanctioned to her 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 has been passed directing to withdraw the incentive increments granted to the petitioner for having obtained M.Com., degree on the ground that the teachers who are working in Government Aided School / Panchayat Union School, teaches only subjects namely Tamil, English, Mathematics, Science and Social Science, and not the higher secondary syllabus viz., Commerce. 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:

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“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 2nd and 4th 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 petitions are closed.

30-03-2026

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



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