



WEB COPY

WP No. 8932 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

**WP No. 8932 of 2024
and WMP.Nos.9962 & 9964 of 2024**

R.Anuradha

D/o. Radhakrishnan , B.T. Assistant, Government
High School, Velliyagaram, Tiruvallur District

..Petitioner(s)

Vs

1. The Director Of School Education
College Road Chennai 6
2. The Finance Advisor And Principal Accounts
Officer
(audit) , Directorate Of School Education,
Chennai 06
3. The Chief Educational Officer
Tiruvallur District Tiruvallur
4. The District Educational Officer
Tiruttani, Tiruvallur District
5. The Head Master
Government High School, Velliyagaram,
Tiruvallur District

..Respondent(s)

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 relation to the proceedings issued in O.M. No. 078747/ A and E/ 2023 dated 23.02.2024 by the 2nd respondent and quash the same in so far as petitioner is concerned and issue a consequential direction to the respondents to continuously grant incentive increment for M.com to the petitioner with arrears of pay.

For Petitioner(s): Mr.R.Saseetharan

For Respondent(s): Ms.Mythreye Chandru, SGP

ORDER

Challenging the proceedings issued in O.M. No. 078747/ A and E/ 2023 dated 23.02.2024 by the second respondent, the petitioner has filed the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to continuously grant incentive increment for M.com to the petitioner with arrears of pay.

2. Heard the learned counsels on either side and also perused the materials available on record.

3. The brief facts of the case is as follows:

3.1. The petitioner is a B.T. Assistant (Mathematics). When she was working as Secondary Grade Teacher, she was granted an incentive increment for B.Ed., from 31.12.2008 and thereafter, awarded with a second set of incentive increment for M.Com from 29.05.2011. While so, the second



respondent due to internal audit objection, issued a proceedings dated 18.12.2023 stating that the incentive increment awarded for M.Com is not permissible as per the proceedings of the first respondent dated 20.11.2005, for which, the petitioner has sent her explanation but the same was not considered and the present impugned order dated 23.02.2024 was passed by the second respondent. Aggrieved by the same, the present Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that the petitioner had studied commerce in Higher Secondary Course and therefore, M.Com is the relevant degree, for which he cited G.O.Ms No.324 dated 25.04.1995. He further drew the attention of this Court to the decision of this Court in W.P. (MD) No.3697 of 2018, wherein the Court has held that incentive increment has to be granted to encourage the teachers to acquire a knowledge in different fields as per the Scheme evolved by the Government, particularly in G.O.Ms No.324 dated 25.04.1955. He contended that without suppression of facts or omission, on satisfaction by the respondents, the second incentive increment was granted to the petitioner and now after lapse of 12 years, the same cannot be cancelled by the respondents. Hence, he prayed to pass appropriate orders.

5. Per contra, the learned Special Government Pleader submitted that the issue in this matter is no longer res judicata as the same was decided by the Hon'ble Division Bench of this Court in a catena of decisions, where the



Division Bench has held that claiming second incentive increment is permissible only on acquiring higher qualification in the relevant subject.

However, in the case on hand, the petitioner is a B.T. Assistant in Mathematics and had acquired M.Com., which is not relevant to the teaching subject and therefore, she is not eligible for second incentive increment for M.Com., and the impugned order has been passed rightly by the second respondent and the same warrants no interference. Thus, she prayed for dismissal of the Writ Petition.

6. The fact in the present case is not disputed. Admittedly, the petitioner acquired first incentive increment for her B.Ed., qualification in the year 2008 and was granted with the second incentive increment for her higher qualification i.e., M.Com., in the year 2011. The dispute in this regard has been settled by the Hon'ble Division Bench of this Court in a catena of decisions and one among the decision in the case of ***S.Thangathai Vs. The Director of School Education, Chennai & 2 others [W.A.(MD) No.918 of 2015 dated 17.12.2015]***, wherein it has held that higher qualification should be relevant to the teaching subject. In the present case on hand, the petitioner is a B.T. Assistant in Mathematics and she had obtained M.Com., which is not relevant to her teaching subject and is of no use to the students and the second respondent has rightly objected her second incentive increment and passed the impugned order dated 23.02.2024. However, since there is no wilful suppression or omission of facts on the part of the petitioner, the respondents on their own satisfaction has



granted the second incentive increment for her higher qualification i.e., M.Com Degree, the same cannot be recovered. In view of the aforesaid reasoning, the impugned order dated 23.02.2024 passed by the second respondent in respect of recovery alone is set aside and in regard to fixation of salary, the same shall be decided by the respondents in accordance with law.

7. With the above observations and direction, the Writ Petition stands allowed in part. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

06-02-2026

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

DP

To

1. The Director Of School Education
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2. The Finance Advisor And Principal Accounts
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(audit) , Directorate Of School Education,
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M.DHANDAPANI, J.

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