



WEB COPY

WP No. 11070 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

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

WP No.11070 of 2026

AND

WMP Nos. 12016 & 12017 of 2026

K.Jayanthi

..Petitioner

Vs

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Chennai - 600 006.
3. The District Educational Officer (Elementary),
Cuddalore District
Cuddalore.
4. The Block Educational Officer
Kurinjipadi
Cuddalore District.

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent proceedings having Ref.No.Na.Ka.No.1240/A1/2025 dated 23.02.2026 and quash the same and consequently direct the respondent to



continue to pay the incentive increment to the petitioner for obtaining B.Com B.Ed., and M.Ed., degree and pass orders.

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For Petitioner: Mr.P.Murali

For Respondents: Ms.Mythreye Chandru
Special Government Pleader for R1 to R4

ORDER

The writ petition is filed for the following relief :

“ To call for the records of the 4th respondent proceedings having Ref.No.Na.Ka.No.1240/A1/2025 dated 23.02.2026 and quash the same and consequently direct the respondent to continue to pay the incentive increment to the petitioner for obtaining B.Com B.Ed., and M.Ed., degree”

2. The petitioner is working as B.T. Teacher in Panchayat Union Middle School, Northmelur, Kurinjipadi Block, Cuddalore District. She was initially appointed as Secondary Grade Teacher on 15.11.1988, and thereafter, she was promoted as Primary School Headmaster on 23.07.2007. The petitioner possess B.Com., B.Ed., and M.Ed., degree. She has been granted with 1st incentive from June 1995 for possessing for B.Com., B.Ed., degree and 2nd incentive increment for M.Ed., from 28.12.2000.



3. The petitioner would submit that after a lapse of 25 years, by the impugned proceedings dated 23.02.2026, the 4th respondent has cancelled the incentive increment granted to the petitioner. Challenging the impugned proceedings, the petitioner is before this Court.

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

5. The impugned order has been passed withdrawing incentive increments granted to the petitioner for having obtained B.Com., B.Ed, and M.Ed., on the ground that she teaches only elementary / middle school 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.

6. 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.”



7. 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”.

8. 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.”

9. The above decision of the Division Bench would apply on all fours to the present case. Admittedly, Commerce subject forms part of the Higher Secondary syllabus and the petitioner has obtained a degree in B.Com., B.Ed.,



M.Ed., degree as early as in the year 2000 and that she had been granted with incentive increment . In the said circumstances, the impugned order is liable to be quashed.

10. Accordingly, the writ petition is allowed and the impugned order is 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.

25-03-2026

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

DS



To:

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School Education Department
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Chennai - 600 009.
2. The Director of Elementary Education,
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