



WEB COPY

WP No. 13237 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

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

WP No. 13237 of 2026

AND

WMP NO. 14499 OF 2026, WMP NO. 14497 OF 2026

R.Rajarajan
S/o.Rajannah,
No.323, East Street, Thirucheri,
Kumbakonam Taluk, Thanjavur District - 612 605.

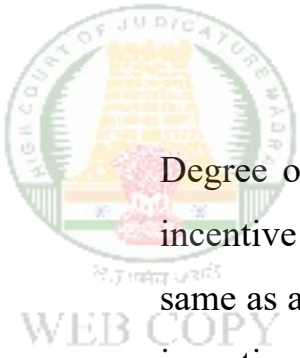
..Petitioner(s)

Vs

1. The Director of School Education (Service Division),
Directorate of School Education, DPI Campus,
College Road, Chennai - 600 006.
2. Financial Advisor and The Principal Accounts Officer,
Directorate of School Education, DPI Campus,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
O/o. The Chief Educational Officer, Thiruvarur,
Thiruvarur District.
4. The Headmaster,
Government Girls High School Kudavasal,
Thiruvarur District - 612 601.

..Respondent(s)

Writ 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 proceedings having Ref.No.Na.Ka.No.053130/Aakatha/2023 dated 24.01.2024 and of the 2nd respondent in proceedings having Ref.No.Na.Ka.No.12/2026 dated 18.01.2026 raising audit objection to the grant of incentive to the petitioner for the M.Phil



Degree obtained from Bharathidasan University and ordering recovery of the incentive increment granted to the petitioner from 31.01.2016 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive increment to petitioner for having acquired M.Phil Degree through part time mode along with Petitioner's Salary together with arrears if any.

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For Petitioner(s): K.Chandra
B.Ashok
C.Uma
B.Soundharya

For Respondent(s): M/s.Mythreye Chandru, SGP

Order

M/s.Mythreye Chandru, learned Special Government Pleader accepts notice on behalf of the respondents. With the consent of the learned counsels on either side, the writ petition is taken up for final disposal at the admission stage itself.

2.Challenging the impugned orders of recovery dated 18.01.2024 and 24.01.2024, the petitioner has filed the above writ petition, with a prayer to quash the same and consequently, to direct the respondents to continue to pay the incentive increment to petitioner for having acquired M.Phil Degree through part time mode along with Petitioner's Salary together with arrears if any.

3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as PG Assistant in the Government Girls Higher Secondary School, Podakkudi, Thiruvavarur District, on 03.09.2010. The



petitioner completed his M.Phil Degree Courses in the years 2012 and 2016 respectively, from Periyar University and Bharathidasan University, after obtaining necessary permission from the Joint Director (Higher Secondary), Tamil Nadu School Education, for which, incentive increment was also sanctioned to the petitioner. However, the 2nd respondent has issued the impugned proceedings raising audit objection for grant of incentive to the petitioner on the ground that the petitioner obtained the higher education through the Part Time mode and sought recovery of the amount granted to him.

4.The learned counsel appearing for the petitioner further submitted that the Headmaster of the School has the power to give permission to the Teachers working in the School for pursuing higher studies. The learned counsel further submitted that the Hon'ble Division Bench of this Court in W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others] dated 04.08.2023 has held that the Government Order in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 has only mentioned about the eligibility for a person to get employment and does not deal with anything about allowing of advance incentive increment to the Teachers who acquired higher qualification and prayed for allowing the writ petition.

5.The learned Special Government Pleader fairly submitted that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmaster of the School have the power to give permission to the Teachers working in the School for



pursuing higher studies. In the present case, the petitioner has obtained permission for pursuing M.Phil Degree from the Joint Director (Higher Secondary), Tamil Nadu School Education, however, the said fact has not been properly appreciated by the respondents.

6. Heard the arguments advanced on either side and perused the materials available on record.

7. The petitioner was appointed as PG Assistant in the Government Girls Higher Secondary School, Podakkudi, Thiruvarur District on 03.09.2010. The petitioner completed M.Phil Degree Courses in the year 2012 and 2016 from Periyar University and Barathidasan University after obtaining necessary permission from the Joint Director (Higher Secondary), Tamil Nadu School Education.

8. It is equally undisputed fact that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmasters of the Schools have the power to give permission to the Teachers working in the School for pursuing higher studies.

9. Insofar as the issue with regard to obtaining higher degrees for getting increments is concerned, the same has been decided by the Hon'ble Division Bench of this Court in W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others] dated 04.08.2023 and it is useful to extract hereunder the relevant portion of the said judgment:



“33. In this context, the learned Government Pleader appearing for the State has relied upon the G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 and has stated that the Government by the said G.O, declared that the M.Phil and Ph.D degree obtained through the correspondence or Distance Education or Open University system are ineligible for Government appointments and appointment as lecturers in colleges or Universities including self-financing colleges, therefore the import of the said G.O.Ms.No.91, dated 03.04.2009 if it is implemented that will stand in the way for extending the benefit of advance incentive increment to the teachers.

34. However, the said submission made by the learned Government Pleader is liable to be rejected because, the said G.O has only mentioned about the eligibility for a person to get employment. Here, the teachers, as per earlier qualification acquired already, been appointed as teachers or lecturers and the benefit now questioned is only the grant of advance incentive increment for having acquired the higher qualification. Therefore, the G.O.Ms.No.91 dated 03.04.2009 issued by the Higher Education Department does not deal with anything about the allowing of advance incentive increment to the teachers, who acquired higher qualification, therefore, that argument made by the learned Government



Pleader also is to be rejected and accordingly, it is rejected.”

10. In the decision cited supra, the Hon'ble Division Bench of this Court has clearly held that G.O.Ms.No.91, dated 03.04.2009, issued by the Higher Education Department does not deal with anything about the allowing of advance incentive increment to the teachers, who acquired higher qualification and therefore cannot be quoted to deny the incentive increment.

11. In view of all the above, the writ petition is allowed and the proceedings of the 2nd respondent dated 18.01.2024 and 24.01.2024 are set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

AP

To

1. The Director of School Education (Service Division),
Directorate of School Education, DPI Campus, College Road, Chennai - 600 006.
2. Financial Advisor and The Principal Accounts Officer,
Directorate of School Education, DPI Campus, College Road, Chennai - 600 006.
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