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WP No. 3011 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 3011 of 2026

and WMP.No.4076 of 2026

L.Fatima Rani

D/o Lourthusamy

No 52/3 R V Layout Extn,

Ondipudhur Coimbatore 641 016

..Petitioner(s)

Vs

1. The Secretary

Department of School Education,

Fort St George, Secretariat,

Chennai 600 009 Tamil Nadu

2. The Director

Directorate of School Education,

DPI Complex, college Road,

Nungambakkam, Chennai 600 006

3. The Head Master

Government Higher Secondary School,

Samikoundanpalayam, Tirupur 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 pertaining to the memorandum issued by the fourth respondent, vide Na.Ka.No.39/2025 dated 13.02.2025 and quash the same as illegal in the case of the petitioner and consequently direct the respondents to follow the G.O (Standing) No 29 of the school Education (C2) Department dated 17.02.2006 which clearly states that persons who had completed PG degree without completing UG degrees and studied in any UGC recognised universities in the state of TamilNadu are eligible for salary increment from the date of their obtaining their PG Degrees within the time stipulated by this honble Court.

For Petitioner(s): Mr.Sushil Rajkumar.J

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

ORDER

The memorandum issued by the fourth respondent vide Na.Ka.No.39 of 2025 dated 13.02.2025, is put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to follow the G.O (Standing) No. 29 of the school Education (C2) Department dated 17.02.2006 which clearly states that persons who had completed PG degree without completing UG degrees and studied in any UGC recognised universities in the State of Tamil Nadu are eligible for salary increment from the date of their obtaining their PG Degrees.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing on behalf of the respondents. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.

3. The facts which leads to the filing of the present Petition is as follows:

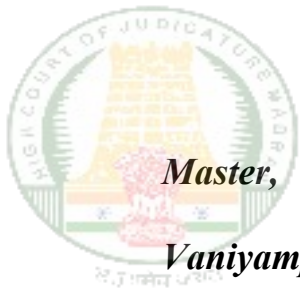
3.1. The petitioner finished her SSLC and HSC in March 1986 & 1988 respectively and without completing UG, she obtained PG M.A. (Tamil) degree from Annamalai University in May 1998 and thereafter completed her U.G., (Tamil) in the same University in May 2006 and completed B.Ed., from IGNOU in December 2011. She entered the service of the Education Department as Secondary Grade Teacher in the year 1991 and received regular pay on 29.10.2010 as B.T. Teacher. For completion of M.A. Degree, she received an increment from 30.10.2007. While so, she received a communication from the fourth respondent on 13.02.2025 wherein she was instructed to render her explanation in regard to her increment received and also related Government Orders as they have received audit objections. Hence, the present Petition.

4. The learned counsel for the petitioner submitted that the petitioner is a teacher working in various Government Schools since 1991. He submitted that



as per G.O (Standing) No. 29 of the school Education (C2) Department, dated 17.02.2006, the petitioner is eligible for salary increment for completion of PG Degree, wherein the said G.O. clearly states that persons who had completed PG degree without completing UG degrees and studied in any UGC recognised universities in the State of Tamil Nadu are eligible for salary increment from the date of their obtaining their PG Degrees and hence, the impugned memorandum of the fourth respondent is illegal and the same is liable to be quashed and prayed this Court to allow the Writ Petition.

5. On a bare perusal of the case, it is seen that the petitioner was employed as Secondary Grade Teacher in Government Higher Secondary School, Tirupattur in the year 1991 and thereafter, she worked at different places and now working at Government Higher Secondary School, Kallapalayam, Coimbatore. While so, when she was working in the Government Higher Secondary School, Samigoundenpalayam, Tirupur District in the year 2007, she received an increment for having completed M.A. Degree from 30.10.2007, however the same was questioned by the fourth respondent in his communication dated 13.02.2025 due to Audit Objections. The learned counsel for the petitioner submitted that the issue involved herein is no longer res judicata as the same was decided by the Division Bench of this Court in the case of *The Director of School Education, College Road, Chennai 600 006, 2.The Chief Educational Officer, Vellore, Vellore District and 3.The Head*



**Master, Government Higher Secondary School, Nimmiyampattu,
Vaniyampadi Taluk, Vellore District Vs. A.Rathinam in W.A.No.1792 of 2019**

dated 16.10.2020. The relevant paragraphs of the judgment are extracted hereunder for ready reference:-

“36. G.O.Ms.No.307, Education Department, dated 15.12.2000 was issued in the light of the observation in paragraph No.2(V)(3) of G.O.Ms.No.1032, Education, dated 22.06.1971. It is stated that even a person who had directly obtained Post Graduation from Open Universities without basic Under Graduation can be given incentive increments in terms of G.O.Ms.No.42, Education, dated 10.01.1969 as amended G.O.Ms.No.1024, Education, Science and Technology Department, dated 09.12.1993. 37. G.O.Ms.No.307, Education Department, dated 15.12.2000 thus recognized that Post Graduate Decree such as M.A./M.Sc. Decree obtained through Open Universities were also to be treated on par with Regular Stream for the purpose of granting incentive increments. G.O.Ms.No.307, Education Department, dated 15.12.2000 does not contemplate any recovery of incentive increments granted earlier.

38. G.O.Ms.No.307, School Education Department dated 15.12.2000 liberalized G.O.Ms.No.42 of the Education Department and directed the concerned authorities to award the incentive increments to the teacher who acquire higher qualification through Open University System in terms of G.O.Ms.No.1032, dated 27.06.1971, G.O.Ms.No.42, dated 10.01.1969 and G.O.Ms.No.1024, dated 09.12.1993 from the date of issuance of G.O.Ms.307 dated 15.12.2000. As mentioned these Government Orders did not specifically state that the higher qualification should be in the same field of the subject taught by the teachers.

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52. Further, the Government withdrew the incentive increment vide G.O.Ms.No.118, School Education Department, dated 10.07.2013 only in the year 2013. Between 15.12.2000 and 10.07.2013, both the appellants and the respondents were governed by G.O.Ms.No.307, School Education Department, dated 15.12.2000.”

The aforesaid extract is self explanatory. Further, the petitioner is eligible to receive the incentive increment in terms of G.O.(Standing) No.29, School Education (C2) Department, dated 17.02.2006 which was also confirmed by the Hon'ble Division Bench of this Court as stated supra.

6. In view of G.O.(Standing) No.29, School Education (C2) Department, dated 17.02.2006 and in the light of the judgment passed by the Division Bench of this Court as stated supra, the impugned order dated 13.02.2025 of the fourth respondent is hereby set aside and the Writ Petition is allowed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

1. The Secretary
Department of School Education,
Fort St George, Secretariat,
Chennai 600 009 Tamil Nadu
2. The Director
Directorate of School Education,
dpi Complex, college Road,
Nungambakkam, Chennai 600 006
3. The Head Master,
Government Higher Secondary School,
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M.DHANDAPANI, J.

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