



W.A(MD)No.620 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.620 of 2021

and

C.M.P(MD)No.2796 of 2021

K.Gangadevi

... Appellant /
Petitioner

Vs.

1.The Regional Accounts Officer (Audit),
School Education Department,
Madurai - 2.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The Head Master,
Government Girls Higher Secondary School,
Gopalpatti - 624 308,
Dindigul District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act to allow the writ appeal and set aside the order dated 09.12.2020 passed by the learned single Judge in W.P(MD)No.20360 of 2015 on the file of this Court.



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For Appellant : Mr.J.Lawrance

For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard both sides.

2.The writ petitioner joined Education Department as Physical Education Teacher on 21.11.2005. He was regularised with effect from 01.06.2006. The qualification prescribed for the said post was degree with B.P.Ed qualification. But the petitioner had acquired M.Phil in physical education in 2004 itself. Taking note of the same, the petitioner was granted intensive increment in the year 2015 with effect from 2006. Subsequently, audit objection was raised and the conferment of incentive increment was cancelled. Recovery was also ordered. Challenging these adverse orders, the appellant filed W.P(MD)No.20360 of 2015. The learned single Judge vide order dated 09.12.2020 dismissed the writ petition. Aggrieved by the same, this writ appeal has been filed by the unsuccessful writ petitioner.



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3. We were initially of the view that a person cannot be granted incentive increment for a higher qualification acquired prior to appointment. We felt that the expression “acquiring” must receive its natural meaning, in the sense that a person can be given incentive increment only for acquiring higher qualification while in service.

4. The learned counsel appearing for the appellant points out that vide G.O(Ms)No.177 School Education Department dated 13.10.2016 it has been specifically mentioned that even for higher qualifications acquired prior to appointment, incentive increments can be granted. This is only a reiteration of what was set out in G.O(Ms)No.42 Education Department dated 10.01.1969. He also pointed out that the appeals filed by the Government raising an identical issue were dismissed by this Bench vide order dated 27.06.2025 in W.A(MD)No.1556 of 2025 and order dated 05.08.2025 in W.A(MD)No.664 of 2025. We are satisfied that the issue raised in this writ appeal is no longer *res integra*. Paragraphs 3 and 4 of the order dated 05.08.2025 in W.A(MD)No.664 of 2025 read as follows:

“3. We are more than satisfied that the Physical Education Director who has acquired higher qualification in Physical Education is entitled to incentive increments by



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virtue of G.O.Ms.No.624 Education (E2) Department dated 13.07.1992. Clause iv of the aforesaid Government Order reads is as follows:-

“ In respect of physical education teachers incentive increments will be sanctioned in future only in the area of physical education with a view to upgrade physical training. The Director of School Education will identify the courses in this area also.”

This was reiterated vide G.O.Ms.No.324 Education, Science and Technology Department (E2) dated 25.04.1995. Clause iv of the aforesaid Government Order reads as follows:-

“ In future Physical Education Teachers, incentive increments will be only in the area of Physical Education and the Director of School Education will identify the relevant courses.”

4. G.O.Ms.No.177 dated 13.10.2016 does not lay down anything new. In fact, the writ petitioner was not given incentive increment by citing G.O.Ms.No.177 dated 13.10.2016. His rights are traceable to the earlier Government Order issued by the Government. In any event, recovery ought not to have been ordered. The learned single Judge rightly approached the issue. Interference with the said order is not called for. This writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.”



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In view of the same, we set aside the orders impugned in the writ petition as well as the order of the learned single Judge.

5.This Writ Appeal is allowed accordingly. No costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P, J.]
10.03.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The Regional Accounts Officer (Audit),
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