



WP(MD). No.5970 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.5970 of 2026
and WMP(MD)No.4996 of 2026

M.Visvanathan

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep by its Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600009.

2. The Director of Elementary Education,
O/o.The Director of
Elementary Education,
College Road, Chennai - 06..

3. The District Education Officer (Elementary),
O/o. the District Education Officer (Elementary),
Pudukkottai District.

4. The Block Education Officer,
O/o. the Block Education Officer,
Gandharva Kottai,
Pudukkottai District.

... Respondents

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorari to call for the records pertaining to the Impugned Order in Na.Ka. No.028490/E1/2024



WP(MD), No.5970 of 2026

dated 17.06.2025 on the file of the Respondent No.2 and the consequential Impugned order in Na.Ka. No.611/A1/2024 dated 23.01.2026 on the file of the Respondent No.4 and quash the same as illegal.

For Petitioner : Mr.G.Karthik
For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed aggrieved by the proceedings bearing Na.Ka.No.028490/E1/2024 dated 17.06.2025 issued by the second respondent and the consequential proceedings bearing Na.Ka. No. 611/A1/2024 dated 23.01.2026 issued by the fourth respondent proposing to recover certain amount from the petitioner on withdrawal of incentive increments that were awarded to the petitioner for having acquired higher qualification after entering into service.

2. Heard Mr.G.Karthik, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for respondents.

3. This matter earlier came up for consideration before this Court on 23/03/2026. This court, after having taken note of the submissions



WP(MD), No.5970 of 2026

made by the learned counsel for the petitioner that the issue that arises for consideration in this writ petition is squarely covered by an order passed by the Hon'ble Division Bench of this Court in WA(MD)No.2748 of 2025 and batch dated 09.01.2026, adjourned the matter today to afford an opportunity to the learned Additional Government Pleader.

4. Accordingly, the matter is taken up for consideration today and I have heard the matter afresh.

5. From a perusal of the materials on record, it is evident that the impugned proceedings dated 17.06.2025 has been issued pursuant to an order dated 20.01.2025 passed by the learned single Judge of this Court in WP(MD)No.22704 of 2018. In terms of the impugned proceedings dated 17.06.2025, the consequential proceedings have been issued by the fourth respondent proposing to recover certain amount from the petitioner through the proceedings dated 23.01.2026.

6. From a perusal of the order dated 09.01.2026 in WA(MD)Nos. 2748 of 2025 and batch, it is evident that the order dated 20.01.2025



WP(MD), No.5970 of 2026

passed in WP(MD)No.22704 of 2018 was also the subject matter of the said batch of writ appeals and the order dated 20.01.2025 passed in WP (MD)No. 22704 of 2018 was set aside by the Hon'ble Division Bench. In the circumstances, the basis for issuing impugned proceedings dated 17.06.2025 has been taken away by virtue of order dated 09.01.2026. Therefore, the consequential proceeding dated 23.01.2026 also cannot stand.

7. Be that as it may, the Hon'ble Division Bench by its order dated 09.01.2026 have examined the issue as to whether the incentive increments that were awarded for acquiring higher qualification, which is not relevant for the subject for which a particular teacher was appointed and after examining the scope and ambit of G.O.(Ms.)No. 624, dated 13.07.1992 and G.O.(Ms.)No. 321, Dated 25.04.1995, came to the conclusion that the teachers are entitled for incentive increment irrespective of the fact whether such higher qualification is in respect to the very same subject for which they were appointed as teacher or not and held as under:



WP(MD), No.5970 of 2026

"25. As per the above ratio, the proceedings dated 24.08.2016, which is the root cause for all the litigations, became *ipso facto*, not binding on the petitioner, and the same is illegal. Therefore, this Court is of the firm view that any teacher who acquires a higher qualification in the subjects which are part of the syllabus for the higher secondary classes is entitled for incentive increments as stipulated in G.O. (Ms).No.324 dated 25.04.1995. It is relevant to note that these teachers have received the increment for more than a decade".

8. In the light of the above, there cannot be any dispute about the entitlement of the petitioner herein for grant of incentive increment for having acquired M.com., and B.Ed., degree after he entering into service as the Secondary Grade teacher on 6/12/2000. The impugned orders were passed to cancel the incentive increments and proposing to recover the incentive increments that were awarded for having acquired M.com, and B.Ed., qualifications and therefore, the same are liable to be quashed and accordingly, the impugned orders are quashed.



WP(MD), No.5970 of 2026

9. In fine, this writ petition is allowed. No costs. Consequently,
connected miscellaneous petition is closed.

24.03.2026

Index : Yes/No
Internet : Yes/No
CM



WP(MD), No.5970 of 2026

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WP(MD). No.5970 of 2026

MUMMINENI SUDHEER KUMAR, J

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WP(MD). No.5970 of 2026
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