



W.A(MD) No.793 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 05.06.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD) No.793 of 2023
&
C.M.P.(MD)No.6515 of 2023**

N.Rajendran

... Appellant / Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Chennai-6.**
- 2.The District Educational Officer,
Now re-designated as
The District Educational Officer (Elementary),
Aranthangi, Pudukkottai District.**
- 3.The Block Educational Officer,
Thiruvarangulam Union,
Pudukkottai District.**

... Respondents / Respondents 1 to 3



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 24.02.2023 in W.P.(MD)No.6136 of 2021 and allow the writ appeal as prayed for.

For Appellant : Mr.T.Pon Ramkumar

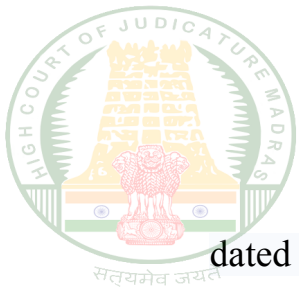
For Respondents : Mr.L.Siva
Government Advocate

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The unsuccessful writ petitioner is the appellant before us. The appellant herein joined the Education Department as secondary grade teacher on 20.01.1986. He was promoted as elementary school headmaster on 29.11.2001. He was then promoted as middle school headmaster on 23.07.2007. When the appellant joined service, he was having diploma in teacher education. In the year 2009, the appellant acquired B.Ed degree. For acquiring B.Ed degree, the appellant asked for incentive increment which was also granted. Subsequently, vide order



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dated 11.08.2016, the Director of Elementary Education, Chennai recalled the earlier order and also directed the recovery of the amount already paid. Challenging the same, the appellant filed W.P.(MD)No. 6136 of 2021. Vide common order dated 24.02.2023, the writ petition was dismissed. Challenging the same, this writ appeal has been filed.

3. The issue raised in this writ appeal is no longer *res integra*. Admittedly, when the appellant was working as a middle school headmaster, he obtained B.Ed degree. Vide order dated 29.07.2025 in W.A.(MD)No.498 of 2023, we had held that a person who was working as headmaster of the Government Board Schools and the Municipal Township Schools can be granted the incentive increment only if they acquire M.A. or M.Sc. or M.Ed degree. For obtaining B.Ed degree, the question of giving incentive increment to the headmaster does not arise at all. Therefore, the learned Single Judge was right in holding that the incentive increment was wrongly given to him. However, in the very same order dated 29.07.2025, we had also observed that whatever benefits that had already been conferred shall not be recovered. We had only followed the principle underlying (***State of Punjab Vs. Rafiq Masih***



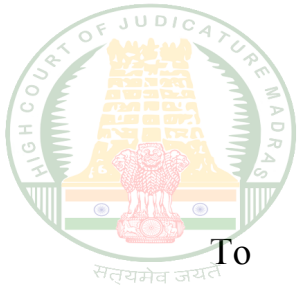
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(Whitewasher) reported in **(2015) 4 SCC 334**). However, we are having second thoughts in respect of correctness of the earlier order.

4. Admittedly, the appellant belongs to Group B category. Strictly speaking, the *whitewasher* principle may not really apply to the case on hand. But then, it is pointed out that the appellant did not make any misrepresentation. The claim was made on the strength of the proceedings of the Director of School Education. It was subsequently withdrawn in the year 2016. It is for this reason, we hold that recovery shall not be made from the appellant. The appellant has also since retired. His service benefits are said to be withheld. In view of the pendency of this litigation, we direct the respondent to settle the appellant's retirement benefits within four months from the date of receipt of a copy of this order. It will not carry any interest. The Writ Appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
05.06.2026

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