



WP(MD). No.14968 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17/06/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.14968 of 2026
and WMP(MD)Nos.11265 and 11268 of 2026

N.Sambasivan

... Petitioner

Vs.

1. State of Tamil Nadu
Represented by its Principal Secretary to the
Government,
Department of School Education,
Fort St. George, Chennai - 9.

2. The Director of Elementary Education,
DPI Campus, Chennai - 6.

3. The District Educational Officer (Elementary),
Tenkasi, Tenkasi District..

4. The Block Educational Officer - 2,
Sankarankovil, Tenkasi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No. 663/A3/2025 dated 20.05.2026 on the file of the respondent No.4 and



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quash the same as illegal and consequently for a direction, forbearing the respondent No.4 from reducing the scale of pay of the petitioner and effecting recovery in the light of the Judgment rendered by the Honble Division Bench in WA (MD) Nos.2748 of 2025 and batch dated 09.01.2026.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.K.K.Udayakumar
Counsel for Government of Tamil Nadu (Civil Side)

ORDER

This writ petition has been filed aggrieved by the proceedings bearing Na.Ka.No.663/A3/2025 dated 20.05.2026 issued by the fourth respondent and for consequential direction to the fourth respondent to forbear from reducing the scale of pay of the petitioner and effecting recovery in the light of the Judgment rendered by the Honble Division Bench in WA (MD) Nos.2748 of 2025 and batch dated 09.01.2026.



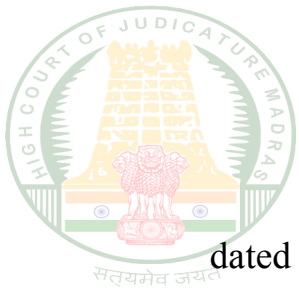
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2. Heard Mr.T.Aswin Raja Simman, learned counsel for the petitioner and Mr.K.K.Udayakumar, learned Counsel for Government appearing for the respondents.

3. This matter earlier came up for consideration before this Court on 05.06.2026. This court, after having taken note of the submissions 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 Counsel for Government.

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 20.05.2026 has been issued pursuant to an order dated 21.01.2025 passed by the learned single Judge of this Court in WP(MD)No.22704 of 2018. In terms of the impugned proceedings

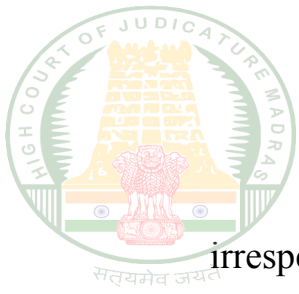


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dated 20.05.2026, the fourth respondent cancelled the the petitioner's incentive increments granted for M.Com., and B.E.d degree.

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 21.01.2025 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 20.05.2026 has been taken away by virtue of order dated 09.01.2026. Therefore, the said proceedings 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

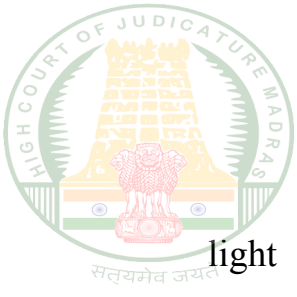


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irrespective of the fact whether such higher qualification is in respect to the very same subject for which they were appointed as teacher or not and held as under:

"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., degrees after he entering into service as the Secondary Grade teacher in the year 2004. The impugned order was passed to cancel the incentive increments and therefore, the same is liable to be quashed and accordingly, the impugned order is quashed. Further the fourth respondent is directed to forbear from reducing the scale of pay of the petitioner and effecting recovery in the



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light of the judgment rendered by the Hon'ble Division Bench in
WA(MD)No.2748 of 2025 and batch dated 09.01.2026.

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

17.06.2026

CM

TO

1. State of Tamil Nadu
Represented by its Principal Secretary to the
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Department of School Education,
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2. The Director of Elementary Education,
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MUMMINENI SUDHEER KUMAR,J

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