



W.A.(MD)No.330 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.04.2026**

CORAM:

THE HONOURABLE **MR.JUSTICE N.SATHISH KUMAR**
AND
THE HONOURABLE **MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)No.330 of 2026
and
C.M.P.(MD)No.3156 of 2026

1.The Chief Educational Officer,
Madurai, Madurai District.

2.The District Educational Officer,
Usilampatti.

...Appellants

Vs.

1.A.Vimala Sirumalar

2.The Correspondent,
R.C.Little Flower Girls Higher Secondary School,
Theni Road, Usilampatti-625 532,
Madurai District.

...Respondents

PRAYER:- Writ Appeal – filed under Clause 15 of the Letters Patent, to set aside the order dated 03.11.2023 passed in W.P.(MD)No.11670 of 2022 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondents : Ms.A.Amala (R1)



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ORDER

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(Order of the Court was made by **N.SATHISH KUMAR, J.**)

Challenging the order passed by the learned Single Judge in W.P.(MD)No.11670 of 2022, the present writ appeal is filed.

2.Heard the learned counsel appearing on either side and perused the materials placed on record.

3.The issue involved in this writ appeal has already been dealt with by this Court in W.A.(MD)No.570 of 2021 by an order dated 14.11.2025. The relevant portion of the said judgment is extracted hereunder for better ready reference:

“5. We have dealt with an identical issue in W.A.(MD)No. 570 of 2021 and by order dated 14.11.2025, accepted the case of identically placed faculty members, in the following terms:-

10.The grant of incentive increments is a laudable measure that was put in place by G.O.Ms.42, Education Department dated 10.01.1969, wherein the Government accepted, in principle, that incentive payments and awards should be granted to the teachers in schools who acquire higher educational qualifications. The proposal submitted by the Director of School Education to this effect was accepted and approved. The annexure to the said G.O., clearly indicates that the



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increments are to be given based on the acquisition of additional qualifications.

11.Thus, as early as in 1969, the State recognised the importance of teachers equipping themselves, as the quality of education imparted to students depends heavily on the educational competence of teachers. We must understand and interpret G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989, in this context.

12.G.O.Ms.No.944, dated 29.07.1989, delegates powers to the Heads of various Departments to accord permission in respect of Government servants to join correspondence courses for acquisition of additional qualifications. In that G.O., after examining the request of the Director of School Education, the Government has delegated powers to the Director of School Education to accord such permission, subject to the condition that the acquisition of such qualification would be useful to the school, that there is no dislocation of work in the school concerned and that there is no additional expenditure to the Government.

13.As far as condition (i) is concerned, it states the obvious, as the acquisition of qualification would certainly result in an upswing in the quality of the education provided. The reference to additional expenditure appears to be superfluous as the purpose of the G.O is to reward a studious candidate. On the aspect of dislocation of work in schools, it is the school management who would be best positioned to comment. The school, has, in this case, accepted the entitlement of R1 on all fronts.

14.G.O.Ms.No.944 is a comprehensive order, setting out the delegation of work to educational officers in the District School Administration, both qua Government and unaided schools. The competent authority, as far as Government schools are concerned, for



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permitting the acquisition of higher educational qualifications is the Chief Educational Officer.

15. As far as unaided schools are concerned, the District Educational Officer is only to approve the permission granted by the Secretary or Correspondent of the concerned high and higher secondary schools to the teaching and non-teaching staff for acquisition of additional qualifications. In our view, such approval is a mere formality, as the request of the candidate to study further would no doubt have been scrutinised by the Correspondent/Secretary/School Management and once accepted, must not be second guessed.

16. In *D.Beulah Rajaselvi Vs. the District Educational Officer and others* [W.A(MD)No.207 of 2024, dated 27.02.2024], useful reference to be made to paragraphs 6 and 7, reading as follows:

6. G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied by the official respondents does not provide for the consequences. The said G.O does not dis-entitle an employee of the incentive increment if the higher qualification is acquired without obtaining prior permission. The G.O only reads about the delegation of the power to the authority to grant permission to join the correspondence course and part time course including Ph.D courses. The consequence is not provided in the said G.O. The G.O does not debar a person from incentive increment upon acquiring higher qualification. The incentive increment is provided on acquiring higher qualification as per G.O.No.42, Education Department, dated 10.01.1969. The said G.O did not lay down any condition of prior permission to acquire higher qualification nor G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied by the official respondents would dis-entitle the appellant of incentive increment. Similar aspects were also considered by the Division Bench in Writ Appeal bearing W.A(MD)No.822 of 2021. In the said writ appeal, the disciplinary proceedings were initiated against the employee therein for not taking permission before acquiring higher qualification. The disciplinary proceedings were set aside.

7. The learned Single Judge in *W.P(MD)No.14085 of 2015* under judgment and order dated 26.11.2020 has observed that G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied



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by the official respondents is in gross violation of the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules made thereunder. It has further been observed that under G.O.Ms.No.101, School Education (Budget-1), dated 18.05.2018, the appointing authority i.e., the School Management is given the power to grant permission for acquiring higher qualification. In the said case, though the permission was not obtained from the authority concerned, the learned Single Judge directed to grant incentive increment.-

17.The above decision has attained finality. The settled position, therefore, is that, in respect of acquisition of higher degrees by faculty in unaided Schools, the State, if at all, only plays a limited, formal role, and subject to fulfilment of other conditions, the approval of the school management would suffice. The noteworthy scheme brought in by the State in 1969 ought not to be diluted by the interpretation now sought to be given by the State.

18.Mr.Ashok, would alternatively state that, without prejudice to his main argument, incentive increments should be granted only from the date of representation by the candidate/school.

19.We disagree, as clearly, the purpose of the grant of incentive increment is for the acquisition of the additional qualification and the benefit should therefore, run from the date when the qualification was acquired. In this case, the relevant qualification was obtained in 2012. Mere delay in submitting a request seeking increment, cannot operate to the detriment of the candidate. Hence, the grant of incentive increments from May 2012 is perfectly justified and in order.

20.In light of the above discussion, we are left in no doubt that the Writ Appeal is liable to be dismissed and do so. This Writ Appeal is dismissed with no order as to costs.”

6. The conclusions in the above case are applicable on all fronts to R1 in this case as well and we adopt the reasoning in that order in full measure.



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7. *Mr.R.Baskaran, learned Additional Advocate General seeks to make a distinction based on the fact that the order impugned in the writ petition was passed on 10.11.2021 and in the meantime, G.O.(Ms)No.37, Personnel and Administrative Reforms (FR~IV) Department, dated 10.03.2020 had come to be passed whereunder, the incentive increment scheme has itself been scrapped. Therefore, according to him, as on date when the impugned order had been passed, the case of R1 was squarely covered by the aforesaid Government Order.*

8. *Ms.A.Amala, learned counsel for R1 points out that the proposal had emanated as early as on 2017 and hence it is not appropriate for the State to bring into play a Government Order passed many years later.*

9. *We are of the view that G.O.(Ms)No.37, Personnel and Administrative Reforms (FR~IV) Department, dated 10.03.2020 is of no assistance to the State in the present matter.*

10. *Admitted sequence of dates in this matter is that the proposal for incentive increment was first made on 05.09.2017 by R1. It was returned calling for certain particulars and re~submitted on 20.10.2017. Again certain clarifications were sought in December 2017 by the Authorities and the application was re-submitted on 21.12.2017. The application came to be rejected in 2018.*

11. *It is true that that order of rejection passed in 2018 was not challenged, per se. However, R1 had given a detailed representation in November 2018 reiterating the claim for incentive increment and certain details were once again called for by the Authorities in 2021, that were provided on 04.08.2021.*



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12. Thus, by conduct, the authorities have themselves accepted re-examination of the claim after the representation in November 2018. It is only thereafter, that order dated 10.11.2021 came to be passed and hence, in light of the fact that the claim had been made as early as in September 2017, we are of the considered view that the Government Order passed on 10.03.2020 would have no application to the facts and circumstances of this case. Hence, we reiterate the reasoning in order dated 14.11.2025 in W.A.(MD)No.570 of 2021 and dismiss this appeal.

13. That apart, G.O.(Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 is not an omnibus bar for the grant of incentive increments in cases where higher qualifications have been obtained by the candidates even prior to issuance of that Government Order. The directions issued in the aforesaid Government Order are as follows:

6. For the foregoing reasons, the Government have taken a decision for cancel / dispense with the scheme of sanction of advance increment for acquiring higher qualification and for passing Account Test for Sub-ordinate Officers Part-1, as per rulings (3) & (4) under FR 31~A and also to cancel the orders issued in Government orders fifth to eighth read above. Accordingly, the Government issue the following directions:-

1. As a policy decision, the scheme of sanction of advance increment for acquiring higher qualification in all departments and all orders issued by all departments for sanction of advance increment for possessing higher qualification, as a whole, be cancelled / dispensed with immediate effect.



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ii. *The orders issued in the Government Orders, fifth to eighth read above be cancelled with immediate effect.*

iii. *The sanction of the advance increment for passing Account Test for Sub-ordinate Officers-Part-1, as per rulings (3) & (4) under FR 31-A be dispensed with immediate effect.*

iv. *The advance increment for acquiring higher qualification already granted to Government Servants need not be effected any recovery.*

v. *All the departments of Secretariat / Head of the Departments are requested to take up a review on this issue with reference to the special / adhoc rules of the posts [entry to higher level] of the department concerned and to prescribe higher qualification to the posts wherever necessarily required, so as to improve the services of the department concerned.*

vi. *The cases of Government servants who have acquired higher qualification prior to issue of this general order, and not sanctioned with advance increments be examined separately as per the previous orders issued, if any, by the administrative department concerned and with reference to the posts specified in that order and if he is otherwise qualified, then the advance increment may be sanctioned by the administrative department concerned after obtaining concurrence of Finance department. If no previous orders were issued by any of the department concerned, then they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degree acquired.*

vii. *No fresh / further proposals will be entertained by Personnel and Administrative Reforms Department on this issue, in future.*

7. *Necessary amendment to Fundamental Rules will be issued separately with reference to para 6(iii) above.*



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8. *This order issues with the concurrence of Finance (CMPC)*

Department, vide its U.O.No. 18808/CMPC/2019, dated 31.10.2019.

14. *In sub clause 6, the Government states that in cases where higher qualifications have been obtained prior to the issuance of the Government Order, it should be examined on a case-on-case basis and cannot be brushed aside as the Authorities have done in the present case.”*

4.Following the aforesaid order, this writ appeal deserves to be dismissed. Accordingly, the writ appeal is dismissed. There shall be no order as to costs.

[N.S.K., J.] & [M.J.R., J.]
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