



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.03.2026

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**Review Application (MD) No. 233 of 2025
in W.P.(MD) No. 23859 of 2025**

R.Latha

..Applicant(s)

Vs.

1. The Director of Elementary Education
DPI Campus, Nungambakkam
Chennai-6.
2. The District Educational Officer (Elementary)
Uthamapalayam, Theni District.
3. The Block Educational Officer
Cumbum, Theni District.
4. The Secretary
Kasthuribai Middle School
Kamayagoundanpatti
Theni District.

..Respondent(s)

Prayer: Review Application filed under Order 47 Rule 1 of Code of Civil Procedure Code read with Section 114 of Code of Civil Procedure, to review the order made in W.P. (MD) No. 23859 of 2025 dated 25.09.2025 passed by this Court and pass such further or other orders.

For Appellant(s) : Mr.T.Aswin Raja Simman
/Applicant(s)

For Respondent(s): No appearance



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ORDER

This Review Application has been filed to review the order made in W.P. (MD) No. 23859 of 2025 dated 25.09.2025 passed by this Court.

2. The learned counsel appearing for the petitioner would submit that the petitioner had approached this Court seeking to fix his pay anomaly, which he had suffered when compared with his junior, who had been benefited with a higher pay. She would submit that his junior, who had been benefited with the incentive increments subsequent to that of the petitioner, had been benefited with the higher pay and hence, he had approached this Court to rectify the said pay anomaly.

3. She would submit that a judgment of the Division Bench of this Court in ***Chief Educational Officer, Villupuram -vs- Kumarasamy Pillai*** reported in ***2017 (1) WLR 922*** had held that the claim for parity in pay along with the junior is a Constitutional right guaranteed to an employee and if the junior is granted incentive increment for acquiring higher qualifications and the senior does not acquire such higher qualification, only then the senior cannot claim pay parity.



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4. She would submit that the Division Bench had further held that the seniority, who had obtained higher qualification prior to the junior and junior acquires the higher qualification on the subsequent date and if the pay of the junior is more than that of the senior, then it would amount to vitiate the senior for acquiring the higher qualification at an earlier point of time, and also defeating the very grant of incentive increment.

5. She would submit that the aforesaid judgment had also been followed by this Court W.P. (MD) No. 10746 of 2016. However, without appreciating the same, this Court placing reliance upon a Division Bench judgment of this Court *State of Tamil Nadu -vs- K.N.Mayalgu* [made in W.A. (MD) No. 822 of 2025 dated 14.08.2025] had dismissed the claim of the petitioner. She would submit that the judgment relied upon by the this Court cannot be made applicable to the facts of this case and hence, seeks a Review of the order passed by this Court.

6. Countering her arguments, the learner Additional Government Pleader on the other hand would submit that the incentive increment granted to the petitioner's junior and also benefited the petitioner had arisen only based upon a scheme to benefit the teachers working in the schools and do not form part of



the service conditions. Only noting that the incentive increment does not form within the service condition and that such incentive increment was only concession extended to the teachers, the Division Bench judgment, which had been relied upon by the respondents and also taken into consideration by this Court had found that this was no error in the pay anomaly as claimed by the petitioner. Therefore, he would submit that there is no material error on the face of the record, which warrants interference by this Court.

7. I have considered the submissions of the learned counsel appearing for both sides.

8. The primordial contention of the petitioner is that even in respect of the difference in pay anomaly arising out of the incentive increments by placing reliance upon an earlier judgment of this Court in the judgment in ***Chief Educational Officer, Villupuram -vs- Kumarasamy Pillai*** reported in **2017 (1) WLR 922**, the petitioner seeks for review of the orders of this Court, which had placed reliance upon a subsequent Division Bench judgment in W.A.(MD) No. 822 of 2025 dated 14.08.2025.

9. It is to be noted that the petitioner was benefited with the incentive increment as per the scheme that was prevalent at that point of time. The



petitioner's junior had been benefitted with the incentive increment, which was higher than the benefit that was given to the petitioner. The petitioner had neither challenged the grant of higher incentive increment to his junior nor he has sought for an equal increment as granted to his junior by applying such increments even in the early stage.

10. The Division Bench judgment of this Court in *State of Tamil Nadu - vs- K.N.Mayalgu* [made in W.A. (MD) No. 822 of 2025 dated 14.08.2025] had categorically held that an incentive increment is only a concession given to the teachers for obtaining a higher qualification. Such concession granted cannot in any manner be taken into consideration to arrive at a conclusion that there has been a pay anomaly, that too, when the petitioner had not challenged the new scheme, under which the junior was benefitted. As noted above, the petitioner has not sought to apply the benefits given under the new scheme to also teachers, who had been given such benefits under the old scheme, which provided for a lesser incentive increment.

11. In such view of the matter, this Court do not find any error on the face of the record to review order passed by this Court. Accordingly, this Review Application fails and the same is dismissed. No order as to costs.



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K.KUMARESH BABU, J.

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