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W.P No.26138 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2025

CORAM

THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.26138 of 2025

and

Writ Miscellaneous Petition No.29425 & 29426 of 2025

K.Balasubramanian

... Petitioner

..Vs..

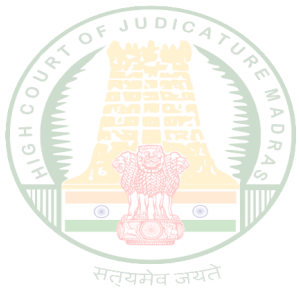
1.The Director of Elementary Education,
Perasiriyar Anbazhagan Kalvi Valagam,
College Road, Chennai – 600 006.

2.The District Educational Officer (Elementary),
Gobichettipalayam,
Erode District.

3.The Block Educational Officer,
Nambiyur Block,
Erode District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.477/A1/2025 dated 23.06.2025 and to quash the same.



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For Petitioner : Mr.G.Sankaran, Senior Counsel
For Mr.S.Nedunchezhiyan

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

The present writ petition has been filed with a prayer for Certiorari to call for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.477/A1/2025 dated 23.06.2025.

2. The learned Senior Counsel appearing on behalf of the petitioner submits that the impugned order dated 23.06.2025 was passed without issuing any notice and without taking into consideration of the true intent of G.O.Ms.No.324, Education, Science and Technology Department (E2), dated 25.04.1995. The learned Senior Counsel further submits that the Division Bench Judgment of this Court in W.A.No.2747 of 2023 dated 28.03.2025, has held that the Director of Elementary Education cannot narrow down the benefits given under G.O.Ms.No.324, Education, Science and Technology Department (E2), dated 25.04.1995. It is the specific submission of the learned Senior Counsel that M.Com degree forms part of the Higher



Secondary syllabus, and therefore, the petitioner is entitled to the incentive increment.

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3. However, the said submission was strongly objected by the learned Special Government Pleader appearing on behalf of the respondents and contended that, since the order was passed without issuing any notice, if the matter is remitted back to the authorities, they would pass fresh order, after following due process.

4. I have given my anxious consideration to either side submission and also perused the materials available on record.

5. In view of the above submissions, without going to the merits of the writ petition, this Court, deems it appropriate to quash the impugned order dated 23.06.2025 and remit back the same before the respondents with a direction to pass order according to its own merits and in accordance with law after affording opportunity to the petitioner of course, after taking into consideration of the Division Bench Judgment of this Court in W.A.No.2747 of 2023 dated 28.03.2025, within a period of six (6) weeks from the date of



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receipt of a copy of this order.

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6. In the result, the writ petition is disposed of with the above observations. No costs. Consequently, the connected miscellaneous petitions stand closed.

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

To:

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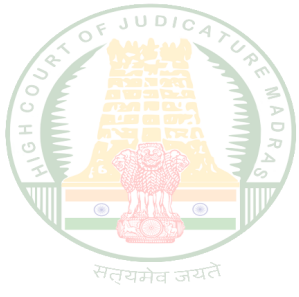
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C. KUMARAPPAN, J.

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