



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.04.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.6721 of 2026

S.Arulraj,
BT Assistant (Science),
St. Mary's Boys Higher Secondary School,
Millerpuram - 628 008,
Thoothukudi District

...Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.

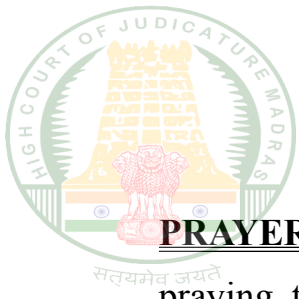
2. The Director of School Education,
DPI Complex,
College Road,
Chennai - 600 006.

3. The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.

4. The District Educational Officer (Secondary Education),
Thoothukudi,
Thoothukudi District

5. The Correspondent,
St. Mary's Boys Higher Secondary School,
Millerpuram - 628 008,
Thoothukudi District.

...Respondents



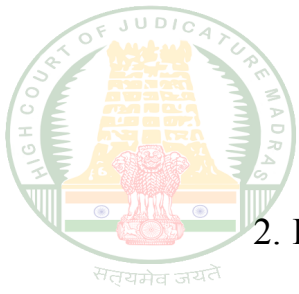
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent District Educational Officer in Na.Ka.No.5214/a3/2022, dated 07.03.2025 quash the same and further direct the respondents herein to sanction and disburse forthwith the incentive increment (two advance increments) for the M.A Degree admissible to the petitioner without reference to G.O.(Ms).No.95, Human Resources Management (FR-IV) Department dated 26.10.2023.

For Petitioner : M/s.A.Amala
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 to R4

* * * * *

ORDER

This Writ Petition has been filed seeking a Writ of Certiorarified Mandamus to quash the impugned proceedings issued by the 4th respondent District Educational Officer dated 07.03.2025 in Na.Ka.No.5214/a3/2022, and further direct the respondents herein to sanction and disburse forthwith the incentive increment (two advance increments) for the M.A Degree admissible to the petitioner without reference to G.O.(Ms).No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023.



2. Heard the learned Counsel appearing for the petitioner and the learned

Additional Government Pleader appearing for the respondents 1 to 4.

3. The petitioner herein, who was appointed as Secondary Grade Assistant in St.Joseph's Higher Secondary School, Susainagar, Thiruvannamalai District, on 12.06.1996 was subsequently promoted to the post of BT Assistant(Science) and presently working in the 5th respondent School. The petitioner was possessing higher qualification of M.A. Degree, and as such made a claim for award of incentive increment. However, the said request made by the petitioner was negated by the respondent by proceedings O.Mu.No. 6756/A5/16, dated 14.09.2017, on the ground that the petitioner has not obtained prior permission for acquiring the said M.A. Degree. Aggrieved by the same, the petitioner filed W.P(MD)No.3330 of 2021. The said Writ Petition came to be disposed of by this Court by an order dated 22.02.2021, declaring that the petitioner was granted liberty to approach the third respondent herein with a representation seeking for grant of incentive increment and on receipt of the same, the third respondent herein shall consider it. Accordingly, the Management of the concerned School has granted liberty to submit appropriate proposal to the District Educational Officer concerned for grant of incentive increment to the petitioner for having possessed higher educational



qualification and further, the District Educational Officer was directed to consider the issue in the light of the observations made in the said order.

Aggrieved thereby, the respondents have filed W.A(MD)No.505 of 2022. The said Writ Appeal came to be dismissed by an order dated 23.08.2023. Thereafter, the respondent has considered the case of the petitioner and passed impugned order granting lumpsum amount of Rs.20,000/- to the petitioner towards incentive increment purportedly in terms of the order issued in G.O. (Ms).No.95, Human Resources Management(FR-IV) Department, dated 26.10.2023. Aggrieved thereby, the petitioner has approached this Court by filing this Writ Petition contending that the petitioner has acquired higher qualification prior to issuance of G.O.(Ms).No.37, Personnel and Administrative Reforms(FR-IV) Department, dated 10.03.2020 and G.O. (Ms).No.95, Human Resources Management(FR-IV) Department, dated 26.10.2023 and already made a claim for award of incentive increment as early as in the year 2017, but was negated by proceedings dated 14.09.2017.

4. According to the learned Counsel appearing for the petitioner, the petitioner is entitled for award of incentive increment notwithstanding the influence of G.O.(Ms).No.37, Personnel and Administrative Reforms(FR-IV) Department, dated 10.03.2020 and the order issued in G.O.(Ms).No.95, Human



Resources Management(FR-IV) Department, dated 26.10.2023 have no application to the case of the petitioner. In support of his contention, he has also placed reliance on a decision of this Court in W.P.(MD)No.19093 of 2020, dated 11.03.2024, which was confirmed by the Hon'ble Division Bench in W.A. (MD)No.1052 of 2024, dated 21.06.2024.

5. Per contra, Mr.N.Satheesh Kumar, the learned Additional Government Pleader appearing for the respondents 1 to 4, contended that the claim of the petitioner for award of incentive increment ultimately favoured for consideration only in the year 2025, by which time, only Government Order which is in force for award of incentive increment is G.O.(Ms).No.95, Human Resources Management(FR-IV) Department, dated 26.10.2023 and therefore, the petitioner case can be considered only in terms of the said Government order and accordingly, the same was considered and the lumpsum amount was awarded in terms of above said Government Order. He further submitted that various issues arising out of award of incentive increment and various claims made by different sets of employees are pending for adjudication before this Court and all the matters are being tagged along with other pending matters and therefore, this Writ Petition may have to be tagged with the said matters.



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6. This Court has carefully considered the submissions made on either side and perused the materials available on records.

7. There is no dispute on the factual aspect. It is also not in dispute that the order passed by this Court in W.P.(MD)No.19093 of 2020, dated 11.03.2024 has attained finality which was also confirmed by the Hon'ble Division Bench W.A.(MD)No.1052 of 2024, dated 21.06.2024.

Paragraph Nos. 4 to 6 of the said order are extracted hereunder:-

“4. Thus the contention of the respondents that in view of the issuance of G.O.(Ms.)No.37 and G.O.(Ms.)No. 95, dated 10.03.2020 and 26.10.2023 respectively, the proceedings dated 19.12.2019 is not given effect to does not stand to any scrutiny. The G.O.(Ms.)No.37 is not given retrospective effect and the persons, who were already granted and drawing incentive increment prior to issuance of the G.O.(Ms.)No.37, dated 20.03.2020 have been drawing the same. Hence, refusal to extend similar benefit of incentive increment to the person who acquired additional qualification prior to issuance of G.O.(Ms.)No. 37 would be arbitrary and such an action would amount to treating the equal unequally in violation of the Articles 14 and 16 of the Constitution of India.

5. As already noted above, the petitioner was already sanctioned the second additional increment through proceedings dated 19.12.2019, but the same was not given effect by the respondents. As the defence of the respondents that in view of the G.O.(Ms.)No.37 and G.O.(Ms.)No.95, the impugned proceedings cannot be given effect to is found totally unsustainable, the respondents are bound to give effect to the proceedings dated 19.12.2019.



6. In the light of the above, the respondents are bound to give effect to the proceedings, dated 19.12.2019 and pay arrears. Accordingly, this Writ Petition is allowed, directing the respondents to release the entire arrears due and payable to the petitioner in terms of proceedings dated 19.12.2019 as expeditiously as possible at any rate within a period of three months from the date of receipt of copy of this order.”

8. The Hon'ble Division Bench has also considered the issue elaborately in W.A.(MD)No.1052 of 2024, dated 21.06.2024 and held as under:-

“6.The first respondent/Writ Petitioner, who had been working as Headmaster, Panchayat Union Primary School in Peravoorani, Tanjore District, had acquired the additional qualification in M.A.(Tamil) in the month of September 2017, by getting prior permission from the authorities concerned and the application made by him for granting second incentive increment was also duly considered and the appellants, by proceedings in Na.Ka.No.509/A1/2019, dated 19.12.2019, had awarded the second incentive increment of Rs.740/- with effect from 01.07.2017 and his pay was also, accordingly, fixed. But however, the order, dated 19.12.2019 granting second incentive increment was not given effect to and the first respondent had alleged that in view of certain illegal demands, the implementation of the order was simply postponed.

7.Be that as it may, in the meantime, the Government issued G.O. (Ms)No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020, withdrawing and cancelling the incentive increment scheme. However, Clause-6(vi) of G.O.(Ms)No.37, protects the Teachers, who had already acquired the qualification prior to the issuance of the Government Order by the cancellation of the scheme and they are entitled for the award of incentive increment. Clause 6(vi) is extracted



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hereunder for easy reference:

“6.....

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VI. The case 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, they they are not eligible for sanction of any advance increments for passing higher qualification irrespective of the post held/degrees acquired.”

8. The Government had again issued G.O(Ms)No.95, Human Resources Management (FR-IV) Department, dated 26.10.2023, whereby, certain clarifications were issued to G.O.(Ms)No.37, dated 10.03.2020, to the effect that wherever the benefits of the incentive increment had not been granted, the concerned employee will only be entitled to a lumpsum payment. Para 7 of the said Government Order is extracted hereunder for easy reference:

“7. Now, it has come to the notice of the Government that substantial number of claims are pending from candidates with higher educational qualifications. Hence, to expeditiously process and bring clarity to the scheme of granting incentive, in partial modification of the orders issued in the Government Order second and third read above and clarifications issued in the Government Letter fourth read above, the cut-off-date for sanction of advance increments for having acquired higher educational qualifications ended and the new scheme of sanction of lumpsum amount is ordered to take effect from 10.03.2020. Thus, the clarification issued in Government Order second read above and the Government Letter fourth read above are harmonized to ensure that, all pending applications as on 10.03.2020 and claims made subsequently for sanction



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of benefits for having acquired higher educational qualifications shall be disposed as per this new scheme of granting lumpsum incentives only and not the earlier scheme of granting increments in salary. This principle would ensure expeditious disposal of all pending claims, and also maintain parity and equal treatment between the claims pending as on date and for the persons acquiring higher educational qualifications in future also”

9.Only on the strength of the clarificatory order issued in G.O. (Ms)No.95, the learned Special Government Pleader vehemently contended that the Writ Petitioner would only be entitled for the lumpsum payment and the Writ Petitioner is not entitled to receive the incentive increment, as claimed by him.

10.We had an occasion to deal with the similar kind of issue in respect of granting incentive increment for the persons, who had acquired additional qualification prior to issuance of G.O.(Ms)No.37, in W.A. (MD)No.975 of 2024, dated 12.06.2024 and held as follows:

“8.G.O(Ms)No.37 does not operate retrospectively and the purposive interpretation of Clause 6(vi) in the Government Order can only be that the Teachers, who had all acquired the higher qualification prior to the issuance of the Government Order and if otherwise qualified are eligible for sanction of the incentive increment. If the interpretation made by the learned Additional Government Pleader is to be accepted, then the very object of the inclusion of clause 6(vi) in the Government Order becomes redundant. As such, we have no hesitation to hold that the Teachers, who, after obtaining necessary permission from the authorities, had acquired higher qualification, ie., wherever the degrees had been awarded prior to issuance of G.O.(Ms)No.37, dated 10.03.2020, are entitled for advance increment for the higher qualification, if it is within the limit of two incentive increments in their career.”

11.Therefore, already we have held that all the persons, who had been acquired additional qualification



prior to issuance of G.O.(Ms)No.37, if it is within two incentive increment, they are entitled for grant of incentive increment. Further, the clarification issued in G.O.(Ms)No. 95, had been dealt with by the learned Judge and having found that G.O.(Ms)No.37 cannot operate retrospectively, the benefits granted under the incentive scheme prior to the Government Order, cannot be taken back and therefore, the similarly placed persons cannot be discriminated and treated unequally. As, already it has been decided that G.O. (Ms)No.37, does not have a retrospective effect and the employees, who had acquired additional qualification prior to issuance of G.O.(Ms)No.37, are entitled for the grant of incentive increment, the clarificatory order issued in G.O. (Ms)No.95, can in no way affect the rights of the concerned persons, who had acquired additional qualification and the right accrued on them cannot be tinkered with or taken away and the benefits cannot be denied through this clarificatory order.

12.In the instant case, the Writ Petitioner has, admittedly, acquired additional qualification by getting proper permission prior to issuance of G.O.(Ms)No.37 and it is his second incentive increment and in fact, the same also had been considered and granted by the appellants by proceedings, dated 19.12.2019 with effect from 01.07.2017. Hence, the argument of the appellants that in view of the clarificatory order, the Writ Petitioner is not entitled for the incentive increment, cannot be sustained and accordingly, rejected. The learned Judge, had rightly, arrived at a conclusion that the Writ Petitioner is entitled for the grant of second incentive increment and the same cannot be denied in view of G.O.(Ms)No. 37 and G.O.(Ms)No.95, which needs no interference and accordingly, sustained.”

9. In view of the above, it is now clear that in case, if a Government servant acquired higher qualification prior to issuance of G.O.(Ms).No.37,



Personnel and Administrative Reforms(FR-IV) Department, dated 10.03.2020,

the Government servant would be entitled for incentive increment in terms of the order in force prior to 10.03.2020.

10. In the instant case, admittedly, the petitioner acquired higher qualification prior to 10.03.2020 and hence any refusal to consider the case of the petitioner for award of incentive increment in terms of the orders that were in force prior to 10.03.2020 is bound to be declared as legal and arbitrary. Through the impugned proceedings, the respondent has granted incentive in the form of lumpsum amount of Rs.20,000/- in terms of the order issued by G.O. (Ms).No.95, Human Resources Management(FR-IV) Department, dated 26.10.2023. As a matter of fact, the petitioner has acquired higher qualification much prior to 10.03.2020 and has also made an application for award of incentive increment and the same was erroneously rejected on untenable ground which was already found fault by this Court in the earlier round of litigation and the matter was remanded back declaring that the petitioner is entitled for incentive increment and postive order was passed by this Court in the very case of the petitioner directing the respondents to grant of incentive increment. Therefore, it is not open for the respondent to award only lumpsum amount under G.O.(Ms).No.95, Human Resources Management(FR-IV)



Department, dated 26.10.2023. In this regard, it would be relevant to take note

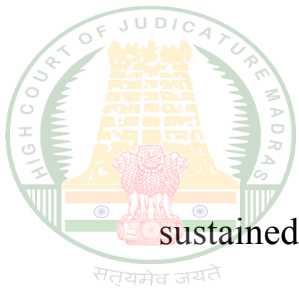
of order that was passed by this Court in W.P.(MD)No.3330 of 2021, by an

order dated 22.02.2021. Paragraph Nos.6 and 7 of the order read as under:-

“6.The present issue is squarely covered by the above judgment and the issue is no more res integra. However, in the present case, the petitioner's request for incentive increment for having possessed higher qualification came to be rejected on 14.09.2017 and the petitioner has moved the present writ petition after a lapse of three years. Apparently, the aforesaid judgment in the case of Director of Elementary Education, Chennai, vs. G.Vijayalakshmi and another (supra) was not available on the date when the impugned rejection order was passed. Nevertheless, since this Court has already held that prior approval of the concerned authority for the purpose of pursuing higher education cannot deprive a Teacher for incentive increment, it would be desirable to direct the petitioner to approach the third respondent seeking for grant of incentive increment.

7.In the light of the above observations, the petitioner herein is granted liberty to approach the third respondent herein with a representation seeking for grant of incentive increment and on receipt of the same, the third respondent herein shall consider it, in the light of the observations made in this order and without reference to the impugned rejection order dated 14.09.2017 and pass appropriate orders, at least, within a period of six weeks from the date of receipt of a copy of the representation.”

11. In the light of the specific order passed by this Court, it is not open for the respondents to place reliance on an order that is issued subsequent to the order of this Court and to deny the benefit of incentive increment to the petitioner. In such circumstances, the impugned proceedings cannot be



sustained as the same runs contrary to the order dated 22.02.2021, in

W.P.(MD)No.3330 of 2021.

12. Accordingly, the impugned order is hereby quashed, and the Writ Petition is allowed directing the respondents to grant incentive increment to the petitioner for having acquired higher educational qualification in terms of the Government Orders that were in force prior to 10.03.2020 and issue appropriate proceedings as expeditiously as possible within a period of 8(eight) weeks from the date of receipt of a copy of this order. The Consequential monetary benefits that would be payable to the petitioner shall also be released within a further period of 4(four) weeks from the date of issue of the proceedings.

13. With the above said directions, this Writ Petition stands allowed. No costs.

21.04.2026

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Index : Yes/No
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To

1. The Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
2. The Director of School Education,
DPI Complex,
College Road,
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3. The Chief Educational Officer,
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Thoothukudi District.
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MUMMINENI SUDHEER KUMAR, J.

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