



WA(MD) NO. 664 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24-03-2025

CORAM

THE HONOURABLE MRS JUSTICE J. NISHA BANU

AND

THE HONOURABLE MRS JUSTICE S.SRIMATHY

WA(MD) NO. 664 of 2025

and C.M.P(MD)No.4704 of 2025

The Regional Accounts Officer (Audit),
School Education Department, Thallakulam, Madurai 2. and
another

Appellant(s)

Vs

Senkathir
S/o Paulraj, 59/1, Bhathsingh Street, Indrani Nagar,
Mudukku Salai, Madurai 625 016.

Respondent(s)

For Appellant(s):

Mr.J.Ashok, Additional Government Pleader

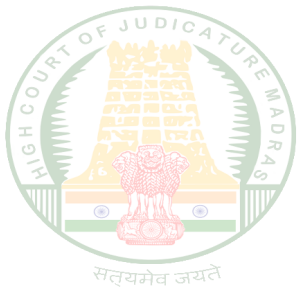
For Respondent(s):

Mr.R.Murali

ORDER

(Order of the Court was made by the Hon'ble J.Nisha Banu J.)

Challenging the order passed by the writ Court, dated 20.02.2024, the respondents as appellants have preferred the Writ Appeal, wherein the writ Court allowed the Writ Petition directing the appellants to refund the entire amount recovered from the writ petitioner, which was paid towards incentive increments, while he was working as a Physical Director.

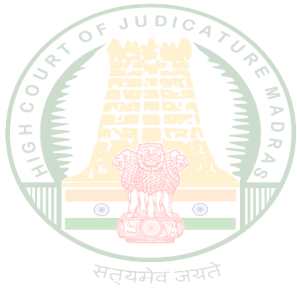


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2.The learned Additional Government Pleader appearing for the appellants would submit that the incentive increments for M.Phil, Ph.D or P.G Diploma in Yoga are admissible from the date of issue of the Government Order ie., 13.10.2016. The P.E.T and Physical Directors were not eligible for any incentive increments for M.Phil, Ph.D or P.G Diploma in Yoga are admissible from the date of issue of the Government order dated 13.10.2016 and they were not eligible for any incentive increment for M.Phil/Ph.D or P.G Diploma in Yoga before the issue of the above Government Order as the above degrees were not identified as higher qualifications to them. The grant of incentive increment for Physical Education Teachers and Physical Directors is a new introduction and cannot have any retrospective effect. He would further submit that without appreciating the fact that the Government has taken a policy decision and issued G.O.Ms.No.177, Education Department dated 13.10.2016 identifying the M.Phil degree for incentive increment and the effect was given from 13.10.2016 ie., the date of issue of the Government Order as discussed above, there is no provision for challenging the policy decision in the Writ Petition.

3.In view of the above, There shall be an order of interim stay.



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4. Notice to the respondent returnable in eight weeks. Private notice is also permitted.

5. Post the matter **after eight weeks**.

sd/-
24/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO

1. The Regional Accounts Office R (Audit),, School Education Department, Thallakulam, Madurai 2.
2. The Headmaster Arasan Shanmuganar Government Higher Secondary School, Solavandan, Madurai District.

ORDER
IN
WA(MD) No.664 of 2025
Date :24/03/2025

SS/SAR- /22/04/2025/ 3P/3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023