

WP(MD)No.4521 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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RESERVED ON: 18.02.2026
PRONOUNCED ON: 16.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.4521 of 2026
and
WMP(MD)No.3774 and 3775 of 2026

M.S.Radhamony Amma

...Petitioner

Vs

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Secretariat, Chennai – 9.
- 2.The Director of Elementary Education,
DPI Campus, Chennai – 6.
- 3.The District Educational Officer (Elementary),
Kanyakumari,
Kanyakumari District.
- 4.The Block Educational Officer,
Melpuram Block,
Kuzhithurai,
Kanyakumari District.
- 5.The Principal Accountant General,
Office of the Accountant General (A & E),
361, Anna Salai, Teynampet, Chennai - 18.



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6.The District Treasury Officer,
Kanyakumari District.

7.The Assistant Treasury Officer,
Sub-Treasury,
Vilavancode,
Kanyakumari District.

...Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to call for the records pertaining to the impugned order in Na.Ka.No.195/A3/2024, dated 20.11.2025 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondent No.4 not to revise the scale of pay of the petitioner and disburse all the retirement benefits, pension including DCRO Commutation within the time period stipulated by this court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.M.Sarangan,
Nos.1 to 4, 6 & 7 Additional Government Pleader

For Respondent : Mr.G.Karthick
No.5

ORDER

The petitioner, who is working as a Middle School Headmaster, has filed this writ petition as against the order dated 20.11.2025 passed by the 4th respondent cancelling the incentive increment provided to this petitioner for obtaining the additional qualification of B.Ed., degree and also ordering for recovery of the excess incentive increment.

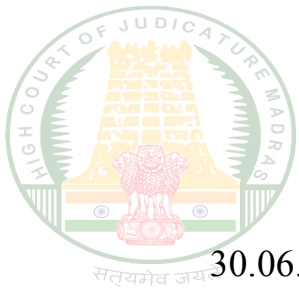


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2.The learned counsel for the petitioner submits that the petitioner has been provided with incentive increment for obtaining B.Ed. qualification from 2012 onwards and the government has sought to recover the same based on a government Letter No. 3702/Tho.Kal(2)/2017 dated 10.10.2017. He submits that the government letter, referred in the impugned order was already quashed by this court in M.Puspa Theresa vs State of Tamil Nadu in [WP.No.22907 of 2021, dated 27.10.2021] and the same was also upheld by a Division Bench of this court in State of Tamil Nadu vs A.Arul [WA(MD)No.1429 of 2022, dated 24.01.2024]. He has also placed reliance on the decision of this court in WA(MD)Nos.190 and 598 of 2023, dated 16.06.2025 wherein similar orders have been passed by another Division Bench of this court. Therefore, according to him, the impugned order is liable to be set aside in view of the ratio laid down by the Division Bench of this court in the aforesaid cases.

3.The learned Additional Government Pleader appearing for the respondents submits that the impugned order was passed based on the objection raised in the audit report for the period from 01.07.2009 to



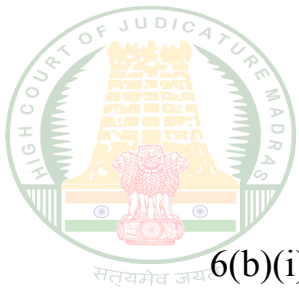
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30.06.2024 that the petitioner was wrongly provided with incentive increment. By referring to the judgment of this court in WA(MD)Nos.334 and 358 of 2021, dated 15.04.2024, he submits that the judgement relied on by the learned counsel for the petitioner in a similar case in State of Tamil Nadu Vs A.Arul [WA(MD)No.1429 of 2022, dated 24.01.2024] was passed based on the judgment of this court in M.Puspa Theresa vs. State of Tamil Nadu [WP.No.22907 of 2021, dated 27.10.2021]. The Division Bench of this court, in the other decision relied on by the petitioner in WA(MD)Nos.190 and 598 of 2023, dated 16.06.2025, has partly allowed the writ appeal filed by the State and has set aside the order of recovery alone considering that the petitioner in that case belonged to 'C' category post.

4.This Court has considered the rival submissions made and perused the materials placed on record.

5.The petitioner with a basic qualification of B.Lit. degree was promoted as Middle School Headmaster. Thereafter she has completed B.Ed. degree and the same has been considered as additional qualification in order to provide incentive increment to her. As per Rule



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6(b)(i) of the Special Rules for Tamil Nadu Elementary Educational Subordinate Service Rules, the minimum qualification required for promotion as Middle School Headmaster is either B.T or B.Ed or B.Lit. degree. Therefore, as per the rules, B.Lit. degree is equivalent to B.Ed or B.T degree and it cannot be considered to be an additional qualification. However a Division Bench of this Court in WA(MD)No.435 of 2017, dated 25.04.2017 relying upon the reply which was provided by an official under the Right to Information Act, has arrived at the finding that the incentive increment can be granted for acquiring B.Ed., degree by the Teachers, who have already acquired B.Lit.,degree. The other Division Benches have also followed this decision.

6. It is relevant to refer to the judgment of another Division Bench of this court in WA(MD)Nos.334 and 358 of 2021, dated 15.04.2024, wherein, the Division Bench has discussed this issue in detail as follows:

“(C)Discussion:

9.The writ petitioners in both the writ petitions had passed B.Lit., (Tamil) in the year 2015 and 2002 and on the basis of the said B.Lit., degree, they were promoted as Middle School Headmistresses on 01.06.2017 and



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01.06.2008. While they were working as Middle School Headmistresses, they had passed B.Ed., degree in the year 2018 and 2014. These facts are not in dispute.

10.Rule 6 (b)(i) of the Special Rules for Tamil Nadu Elementary Educational Subordinate Service Rules (hereinafter referred to a 'Special Rules' for the purpose of brevity) relating to Headmistress of Middle School is extracted as follows:

Name of category	Method of Appointment	Qualification
Headmaster of Middle Schools (B.Ed., grade)	Promotion and Transfer	1.A degree of any University in the State or a degree of equivalent standard and B.T. Or B.Ed. Degree of any University in the State or 2.(a)A degree in Tamil or any University in the State or (b)Minimum General Educational Qualifications as defined in Schedule I to the General Rules for the Tamil Nadu State and Subordinate Service and Title of Oriental Learning conferred by any University in the State in the Language, Provided that persons appointed as Tamil Pandit in any School prior to 01.04.1976 shall be eligible for appointment in any other School even after 01.04.1976 and 3.B.T., or B.Ed., degree of any University in the State or a Senior Basic Grade Trained Teachers Certificate or successful completion of the Pandit Training Course of Diploma in Teaching awarded by any University in the State.



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11. *Perusal of the Special Rules clearly reveal that for being promoted as Headmistress of a Middle School (B.Ed., grade), a Secondary Grade Teacher should either possess B.T., or B.Ed., or degree in Tamil of any University. Therefore, it is clear that B.Lit., degree (Tamil) is enough to be promoted as Headmistress of a Middle School (B.Ed., grade). It is further clear that it is equivalent to B.T/B.Ed., degree. In the present case, admittedly on the strength of B.Lit., degree the petitioners have been promoted as Headmistresses of Middle School.*

12. *As per G.O.Ms.No.42, Education Department dated 10.01.1969, one incentive increment has to be awarded to the Teachers, who acquired higher educational qualification. Unless the qualification acquired by a Teacher is higher than the minimum qualification required for a particular post, incentive increment cannot be granted. In the present case, B.Lit., which is equivalent to B.Ed., is one of the minimum required educational qualification for being promoted as Headmistress of a middle school. Therefore, the petitioners are not entitled to seek incentive increment for acquiring B.Ed., degree, which is not only an additional qualification but also equivalent to B.Lit., degree. Only if the petitioners acquire a P.G. Degree, the same can be considered to be a higher qualification.*



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13.The writ Court had relied upon the judgment of the Division Bench of this Court in W.A.(MD)No.435 of 2017 dated 25.04.2017, wherein, the Division Bench had relied upon a reply given under the Right To Information Act to arrive at a finding that incentive increment can be granted for acquiring B.Ed., degree by the Teachers, those who have already acquired B.Lit., degree. Perusal of the Tamil portion extracted in the writ order reveals that under RTI reply, the Official had stated that since promotion could be granted to a Secondary Grade Teacher based upon B.Lit., degree, the acquisition of B.Ed., degree is not necessary and if acquired, it can be considered to be a higher qualification.

14.The said RTI reply of the concerned official is quite contrary to the Special Rules, which clearly indicates that B.T., B.Ed., and B.Lit., degrees are equivalent educational qualifications and possession any of them is the basic qualification required for being promoted and appointed as Headmistress of a Middle School.

15.Therefore, with due respect to the Hon'ble Division Bench, we are not concurring with the said views. The writ Court had solely relied upon the said



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Division Bench judgment to allow the said writ petitions, which we find to be not in consonance with the statutory Service Rules.

16.In view of the above said deliberations, the order of the writ Court is set aside and the writ appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.”

7.In view of the above decision of the Division Bench and the fact that B.Ed is not an additional qualification as per the Special Rules for Tamil Nadu Elementary Educational Subordinate Service Rules, this court is not inclined to entertain this writ petition. Since the petitioner is working as a Middle School Headmaster and does not fall under the 'C' category post, the decision of the Division Bench in WA(MD)Nos.190 and 598 of 2023 dated 16.06.2025 is not applicable to the present case.

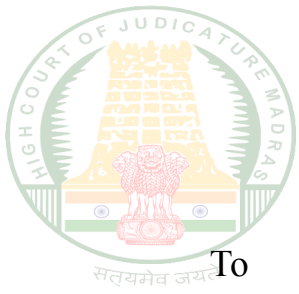
8.In the result this writ petition is dismissed. No costs. Consequently connected miscellaneous petitions are closed.

16.03.2026

Index : Yes / No

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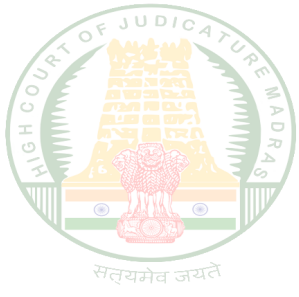


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