

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.31192 of 2014

Dr.M.Ramachandran

...Petitioner

Vs

1. Director of Collegiate Education,
College Road, Chennai- 600 006.
 2. Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore.
 3. The Secretary,
N.G.Mahalingam College,
Pollachi, Coimbatore District.
-Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to pay the incentive increments for obtaining Ph.D as per G.O.Ms.No.350, Higher Education (H1) Department dated 09.09.2009 with interest.

For Petitioner : Mr.R.Subramanian
For R1 & R2 : Mr.Akil Akbar Ali, GA
For R3 : Mr.Murali kumaran, Sr.C
for M/s.Mcgan Law Firm

ORDER

Heard all the parties and perused the materials placed before this Court.

2.This writ petition has been filed for a direction to the respondents to pay incentive increments for obtaining Ph.D degree, as per G.O.Ms.No.350, Higher Education (H1) Department dated 09.09.2009, with interest.

3.The case projected by the petitioner is that he had obtained Ph.D degree on 18.02.2000, while in service and made a representation on 30.09.2009 for grant of incentive increments payable to Ph.D degree holders. The second respondent sanctioned the same on 19.01.2010. Subsequently, pay fixation bill was also presented by the third respondent, incorporating incentive increments. However, the second respondent cancelled the same,

referring to G.O.Ms.Nos.111 and 113 dated 24.03.1999. Thereafter, on the basis of the petitioner's representation dated 18.05.2013 addressed to the Chief Minister Cell, the first respondent directed the second respondent to sanction incentive increments as per law. Accordingly, the second respondent called upon the third respondent to submit necessary proposal for grant of incentive increments. However, the third respondent by letter dated 17.09.2014, directed the petitioner to obtain a certificate from Bharathiar University to the effect that the degree obtained in Ph.D is equivalent to Ph.D. in Library Science. Feeling aggrieved, the petitioner has come up with the present writ petition for the aforesaid relief.

4. Upon notice, the second respondent filed a detailed counter affidavit, inter alia stating that in the light of G.O. (2D)No.125, Higher Education Department, dated 16.10.2006, since the petitioner obtained Ph.D. in an inter-disciplinary subject, the second respondent directed the third respondent to obtain equivalency certificate from the concerned University vide letter No.2216/D4/2014 dated 10.04.2014 and letter No.4478/D4/2014 dated 12.08.2014. Based on the same, the third respondent vide letter dated 17.09.2014 directed the petitioner to produce equivalency certificate. Hence, the claim of the petitioner seeking incentive increment for Ph.D without producing the specific recommendation from the Bharathiar University, Coimbatore, cannot be considered.

5. It is revealed from the averments made in the counter affidavit filed by the second respondent that as per the communications dated 10.04.2014 and 12.08.2014, sent by the second respondent to the third respondent, as the petitioner obtained Ph.D in an inter-disciplinary subject, he has to produce certificate obtained from the University concerned to the effect that the Ph.D degree in Tamil is equivalent to Library Science, so as to consider his claim for incentive increments.

6. In such view of the matter, this Court directs the petitioner to produce the equivalency certificate to the third respondent within a period of three weeks from the date of receipt of a copy of this order. On such production, the third respondent shall forward the necessary proposal to the second respondent, so as to enable the second respondent to grant incentive increments to the petitioner. Such an exercise shall be completed by the respondents 2 and 3 within a period of four weeks from the date of receipt of equivalency certificate from the petitioner.

7.With the aforesaid directions, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VI)

//True copy//

Sub Assistant Registrar

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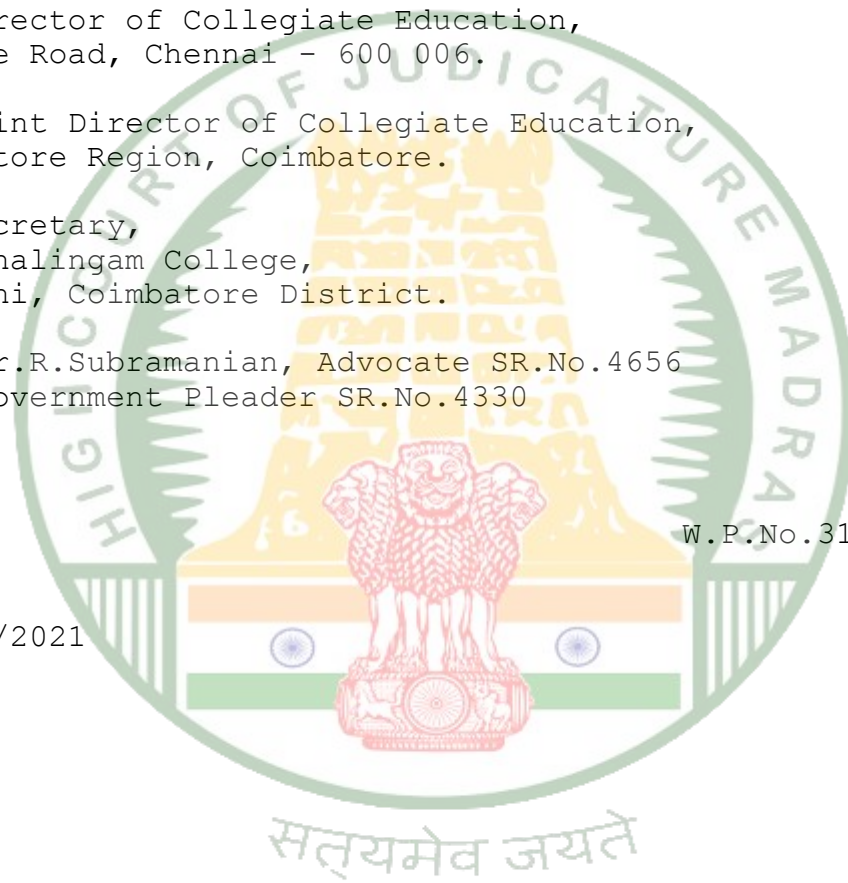
To

1. The Director of Collegiate Education,
College Road, Chennai - 600 006.
2. The Joint Director of Collegiate Education,
Coimbatore Region, Coimbatore.
3. The Secretary,
N.G.Mahalingam College,
Pollachi, Coimbatore District.

+1cc to Mr.R.Subramanian, Advocate SR.No.4656
+1cc to Government Pleader SR.No.4330

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SV(CO)
KKV/04/03/2021



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