



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.03.2022
CORAM
THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WEB COPY

W.P.(MD) No.7086 of 2021 and
W.M.P(MD).No.5434 of 2021

M.Ponnuchamy

... Petitioner

Vs.

- 1 The Block Educational Officer
Block Educational Office,
Near Government Boys Higher Secondary School,
Melur, Madurai District-625 106.
- 2 The District Educational Officer,
Melur Educational District,
Near Government Boys Higher Secondary School,
Melur,
Madurai District 625 106.
- 3 The Govt. of Tamil Nadu
Rep. by the Secretary,
Education Department,
Secretariat, Chennai.
- 4 The Rehabilitation Council of India,
23A, Sivaji Marg Cheere Karanpura Complex,
New Delhi-10015.
- 5 The Indira Gandhi College of Special Education,
Holy Cross Campus,
Kanuvali, Coimbatore 641 108.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records relating to the proceedings in Na.Ka.No.1338/A1/2019 dated 22.03.2021 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for RR1 to 3
Mr.S.Jeyasingh for R4
R5-Unserved



O R D E R

The order impugned dated 22.03.2021 cancelling the incentive increment granted to the writ petitioner for additional educational qualification is under challenge in the present writ petition.

2. The petitioner was appointed as Secondary Grade Teacher and during the course of his appointment, he studied B.A.History in Madurai Kamaraj University through correspondence course. In the year 2003, the petitioner joined fifth respondent College to study B.Ed Degree in special education. The duration of the said Course is one year and the mode of education is through correspondence. The petitioner states that the fifth respondent Institution is an approved institution by the fourth respondent. The fourth respondent is a statutory body constituted by the Ministry of Social Justice and Empowerment, Government of India and is empowered to grant approval for conducting course B.Ed [Special Education]. The petitioner undergone B.Ed course and certificate was issued by the fifth respondent on 30.06.2004. Based on the qualification of B.Ed, incentive increment was granted and subsequently, the Authorities found that the Institution was not recognized during the relevant point of time. Therefore, they have passed the impugned order cancelling the incentive increment granted to the writ petitioner.

3. The learned counsel appearing for the petitioner made a submission that the certificate issued for special education and further, Institution was recognized.

4. The learned Additional Government Pleader made a submission that it was recognized subsequently and therefore, in respect of degree granted in the year 2003, it was invalid Degree and cannot be considered for grant of incentive increment.

5. In this regard, the counter filed by the respondent reveals that the petitioner has not obtained the Degree of B.Ed [Special Education] from a recognized or approved Educational Institution due to the fact that during the year 2003, the fifth respondent Institution was not approved and it was approved from the year 2006-07. Unless the petitioner produces the document to the effect that the fifth respondent was approved to offer B.ED Degree [Special Education] during the year 2003, B.Ed Degree cannot be treated as valid degree for the purpose of grant of incentive increment. Therefore, they have cancelled the incentive increment in the impugned order. This Court do not find any infirmity or illegality in respect of the impugned order.



6. Accordingly, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

- 1 The Block Educational Officer
Block Educational Office,
Near Government Boys Higher Secondary School,
Melur, Madurai District-625 106.
- 2 The District Educational Officer,
Melur Educational District,
Near Government Boys Higher Secondary School,
Melur,
Madurai District 625 106.
- 3 The the Secretary,
Education Department,
Secretariat, Chennai.
- 4 The Officer in Charge, Rehabilitation Council of India,
23A, Sivaji Marg Cheere Karanpura Complex,
New Delhi-10015.
- 5 The Indira Gandhi College of Special Education,
Holy Cross Campus,
Kanuvai, Coimbatore 641 108.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-9800[F] dated 03/03/2022)

+1 CC to M/s.S.JEYASINGH, Advocate (SR-9543[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9736[F] dated 03/03/2022)

W.P.(MD) No.7086 of 2021

02.03.2022

MGJ(14.03.2022) 3P 9C