



W.P.No.3043 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM:

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.3043 of 2020
and W.M.P.No.3558 of 2020

P.Jayabharathi

...

Petitioner

/vs/

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
O/o. The Director of School Education,
DPI, Campus,
Chennai – 6.
3. The Joint Director of School Education,
O/o. The Director of School Education,
DPI, Campus,
Chennai – 6.
4. The Chief Education Officer,
O/o. The Chief Education Officer,
Kancheepuram District,
Kancheepuram.
5. The District Education officer,
O/o. Govt. Boys Hr. Sec. School Campus,



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Chrompet, Chennai.

6. The Financial Advisor and Principal Account Officer (Auditing),
School Education Department,
DPI Campus,
Chennai – 6.

7. The Head Master,
Government Higher Secondary School,
Nanmangalam,
Kancheepuram District,
Chennai – 600 012.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the entire records connected with the impugned order in Na.Ka.No.32/18 dated 15.02.2018 issued by the 7th respondent and quash the same.

For Petitioner ... Mr.K.Thilageswaran

For Respondents ... Mr.T.Arunkumar
Govt. Advocate

ORDER

This Writ Petition has been filed for the issuance of a writ of certiorari calling for the entire records connected with the impugned order in Na.Ka.No.32/18 dated 15.02.2018 issued by the 7th respondent and quash the same.



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2. In this regard, similarly placed yet another petitioner by name S.Sivan and others have filed various writ petitions in W.P.No.42675 to 42687 and 42689 of 2016. By virtue of a common order dated 06.09.2018 this Court has upheld the cancellation of incentive increment sanctioned to the petitioners who have obtained M.Phil from Vinayaga Mission deemed University, Salem. However the aggrieved petitioners have challenged the same by way of filing a batch of writ appeals in W.A.Nos.2328 of 2018 and batch dated 04.08.2023 and in which a judgment has been passed on 04.08.2023 to the following effect:

“ 35. In the result, the following orders are passed in these writ appeals:

** That the impugned order passed by the writ Court dated 06.09.2018 is set aside. As a sequel, the impugned order that was challenged before the Writ Court in the respective petitions is also set aside to the extent that those teachers who had studied in the Vinayaka Mission's University during the relevant point of time i.e., 2007 to 2009 since had acquired the qualification during the period which the University also enjoyed the approval or recognition from the DEC, IGNO, the said objection raised by the audit Department would not be sustained. Therefore, on that ground, the incentive increment already allowed to these teachers need not be disturbed. If the increment already been allowed to these teachers have been cancelled or stopped by virtue of the order, which*



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is impugned herein, the same shall be restored and the arrears to that effect shall be calculated and be paid to the teachers / appellants. To that extent, all these Writ Appeals are allowed. No costs. Connected miscellaneous petitions are closed.”

3. Since this petitioner is also similarly placed, the benefit of the above order extends to the case of the petitioner also.

4. Accordingly, this writ petition is allowed in view of the judgment passed in W.A.Nos.2328 of 2018 and batch dated 04.08.2023. No costs. Connected miscellaneous petition is closed.

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Index: Yes / No
Speaking order / Non-speaking order
bkn



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To:

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R.N.MANJULA ,J.

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