



Writ Appeal No.1895 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated:22.08.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.1895 of 2019
and
CMP.No.12888 of 2019**

Mrs.S.Parimala
Secondary Grade Teacher,
Panchayat Union Elementary School,
Minnampalli,
Mallasamudram Union,
Pincode: 637 401.
Namakkal District.

... Appellant

Vs

1. The District Elementary Educational Officer,
Namakkal.
2. The Additional Assistant Elementary Educational Officer,
Mallasamudram Union,
Mallasamudram 637 503
Namakkal District.
3. The Headmaster,
Panchayat Union Elementary School,
Minnampalli – 637 410,
Mallasamudram Union,
Namakkal District.

.. Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 19.02.2019 made in W.P.No.14705 of 2018.

For Appellant : Mr.L.Chandrakumar
for Mr.R.Kamaraj

For Respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.KUMARESH BABU,J.)

This appeal had been preferred against the order passed by the learned single Judge dated 19.02.2019 made in W.P.No.14705 of 2018, wherein the learned single Judge has dismissed the writ petition.

2. Heard Mr.L.Chandrakumar, learned counsel appearing for the appellant and Mr.Vadivelu Deenadayalan, learned Additional Government Pleader appearing for the respondents.

3. Mr.L.Chandrakumar, learned counsel appearing for the appellant would submit that the appellant after being appointed as Secondary Grade Teacher in the Panchayat Union Elementary School



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had obtained promotion for studying B.Sc., Physics through Distant Education Mode from Vinayaka Mission University and she had also issued with degree certificate by the Vinayaka Mission University, which was sought to be entered into the service register so as to obtained the service benefits that would be entitled to on completion of a degree.

4. Since the said request was kept pending, the appellant had approached this Court by way of filing a writ petition seeking for a direction to the respondents to enter the degree certificates issued by the Vinayaka Mission University in her service register and to grant promotion by the time as may be fixed by this Court.

5. The said claim of the appellant was objected to by the learned counsel appearing for the respondents by contending that the Vinayaka Mission University does not form part of the list of Universities recognised by the Government of Tamil Nadu vide G.O.Ms.No.39, Personnel and Administrative Reforms Department dated 30.04.2014 and that only the Vinayaka Missions Research Foundation is alone notified as recognised University. He would submit that the said Government Order notifies single entity as recognised by the University and therefore, the



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claim of the respondent deserves to be rejected. Hence, the case of the appellant to be considered by the respondent to register a degree in her service register and grant her all other consequential benefits.

6. Mr.Vadivelu Deenadayalan, learned Additional Government Pleader appearing for the respondents would submit that the Vinayaka Mission University is not recognised by the Government of Tamil Nadu and therefore, the claim of the appellant cannot be considered. Only an employee obtained degree from a recognised University has to be approved by the Government of India, then only such a request would be considered and other benefits can be confirmed.

7. We have heard the rival submissions of the learned counsel appearing for both sides and have perused the materials placed before this Court.

8. A similar issue has been dealt with by us in a batch of writ appeals in W.A.Nos. 2328 of 2018 & etc., batch dated 04.08.2023. After hearing the arguments of the learned counsel appearing for the University Grants Commission and also the Vinayaka Mission



University, we have factually found that the Vinayaka Mission University as well as the Vinayaka Mission Research Foundation are one and the same. In fact, we had also extracted the order of the Government of India dated 19.08.2004 conferring the deemed University status on Vinayaka Mission Research Foundation and have categorically held that the Vinayaka Mission University is the part of Vinayaka Mission Research Foundation.

9. We had also recorded the approval granted by the Distance Education Council, Indira Gandhi National Open University for conducting Distant Education Courses.

10. Since we have already in a batch of writ appeals has held as stated supra, we do not find any reason why the degree obtained by the appellant should not be registered in a service register and that why she should be denied all other attendant benefits arising out of such registration of degree certificate.

11. Since the learned single Judge, who dealt with the issue had not considered these aspects and had relied upon the earlier judgment of



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this Court to arrive at a conclusion and since we have found that the degree obtained by the appellant is a valid degree, we direct the respondent to register the degree obtained by the appellant from Vinayaka Mission University in the year 2014 in her service register and grant all other attendant benefits.

12. The aforesaid needful shall be undertaken by the respondents within a period of eight(8) weeks from the date of receipt of a copy of this order.

With these observations, this writ appeal is disposed of. No costs.
Connected miscellaneous petition is closed.

(R.S.K.,J.)

(K.B., J.)

22.08.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No

mp



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