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W.P.No.16591 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.16591 of 2020 and
W.M.P.Nos.20575 & 20576 of 2020

1.K.Ashok Kumar
2.K.Mangammal
3.S.Tamilarasan
4.R.Swaminathan

... Petitioners

Vs.

1.The Regional Accounts Officer (Audit),
Department of School Education,
Coimbatore.

2.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai.

3.The Director,
Directorate of School Education,
Chennai 600 006.

4.The District Educational Officer,
Dharmapuri, Dharmapuri District.

5.The District Educational Officer,
Salem, Salem District.

6.The District Educational Officer,
Theni, Theni District.



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7.The District Educational Officer,
Tiruvarur, Tiruvarur District.

8.The Headmaster,
Government High School,
Kottaiyoor, Pennagaram Taluk,
Dharmapuri District.

9.The Head Master,
Government Higher Secondary School,
Singipuram Post,
Vazhapadi Taluk, Salem District.

10.The Headmaster,
Government Higher Secondary School,
Eriyur, Pennagaram Taluk,
Dharmapuri District.

11.The Head Master,
Government Higher Secondary School,
Kuchanur, Theni District.

12.The Head Master,
A.R.R.Municipal Higher Secondary School,
Kumbakonam, Thanjavur District.

13.The Registrar,
Vinayaka Missions University,
Salem 636 308.

14.The Secretary,
University Grants Commission,
New Delhi.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents 1 to 12 from initiating any action to recover the payment of incentive increments paid to the petitioners for having qualified M.Phil., Degree granted by the 13th respondent and consequently, direct the respondents 1 to 12 to continue to pay the incentive increment to the petitioners.

For Petitioners : Mr.N.Umapathi

For Respondents : Mr.T.Arunkumar, AGP for RR1 to 13
No appearance for R14

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to forbear the respondents 1 to 12 from initiating any action to recover the payment of incentive increments paid to the petitioners for having qualified M.Phil., Degree granted by the 13th respondent and consequently, direct the respondents 1 to 12 to continue to pay the incentive increment to the petitioners.

2. A 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



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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 is impugned*



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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 these petitioners are also similarly placed, the benefit of the above order can be extended to the petitioners also.

4. Accordingly, this Writ Petition is disposed in view of the judgment passed in W.A.Nos.2328 of 2018 and batch dated 04.08.2023.

No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Internet : Yes/No

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