



W.P.(MD)Nos.2039 of 2023 etc. batch

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.02.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)Nos.2039 of 2023, 18239 of 2022, 18240 of 2022, 11720 of 2022, 18238 of 2022, 21692 of 2022, 18241 of 2022, 18237 of 2022, 13879 of 2022, 15666 of 2022, 10386 of 2022, 19438 of 2022, 19718 of 2022, 2042 of 2023, 21691 of 2022, 66 of 2022, 67 of 2022, 18235 of 2022, 11609 of 2022, 18236 of 2022, 18242 of 2022 and 18623 of 2022**

**and**

**W.M.P.(MD).Nos.13322, 13552, 15837 and 15838 of 2022 3600 and 3618 of 2023, 13314 of 2022, 8297 of 2022, 3733 of 2023, 13309 of 2022, 13318 and 13320 of 2022, 13308, 13319, 13321, 13310, 13311, 13312, 13313, 13315, 13316, 7393, 7394, 7396, 8204, 11276 of 2022, 13307, 8205, 8296 of 2022, 931 of 2023, 47 of 2022, 9876 of 2022, 13317, 13554, 14183, 14399, 15834, 15835, 15836, 16514, 1827, 1829, 19400, 23329, 44, 45 and 46 of 2022**

**W.P.(MD)No.2039 of 2023**

Veluchamy

... Petitioner

Vs.

1. The Secretary,  
University Grants Commission (UGC),  
Bahathur,  
Shatizafor Marg,  
New Delhi.



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2. The Secretary,  
Higher Education Department,  
Secretariat,  
Chennai 600 009.
3. The Secretary of School Education,  
Directorate of School Education,  
Chennai 35.
4. The Regional Accounts Officer (Audit),  
Regional Accounts Office,  
Department of School Education,  
Tallakulam,  
Madurai 625 002.
5. The Headmaster,  
Government Higher Secondary School,  
A.Mathur,  
Pudukottai District.
6. The Registrar,  
Alagappa University,  
Karaikudy,  
Sivagangai District.

... Respondents

**PRAYER** : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the fourth respondent in Na.Ka.No.817/A8/2022, dated 01.06.2022, and 5<sup>th</sup> respondent in Na.Ka.No.38/2021-2022, dated 02.01.2023 and quash the same and



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consequently direct the respondents 2 to 5 to permit the petitioner to receive the incentives for the M.Phil., Summer Sequential Programme.

For Petitioner : Mr.T.Lajapathy Roy, Senior counsel  
for Mr.M.Ramu  
For R1 : Mr.B.Vijaya Karthikeyan  
For R2 to R5 : Mr.J.Ashok  
Additional Government Pleader  
For R6 : Mr.T.Cibi Chakraborty

### **COMMON ORDER**

Since the issue involved in these writ petitions is one and the same, they have been taken up together and disposed of by this common order.

2. The case of the petitioners is that they are working in various posts in the Education Department. They pursued M.Phil., (Summer Sequential Programme) in the 6<sup>th</sup> respondent viz., Alagappa University and completed the same in the year 2018. Thereafter, the petitioners are permitted to avail the benefit of second incentive increment in terms of G.O.



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(Ms.)No.18, School Education Department, dated 18.01.2013 and G.O. (Ms.)No.1170, Education, Science and Technology Department, dated 20.12.1993. However, all of a sudden, the fourth respondent has passed the impugned order for recovering the incentive increment granted to the petitioners. Challenging the same, the present writ petitions have been filed.

3. The learned Senior counsel appearing for the petitioners would submit that the sixth respondent viz., Alagappa University, on their own conducted M.Phil., (Summer Sequential Programme) for a period of six months and the petitioners have applied for the same and secured M.Phil., degree. Pursuant to which, recognising the M.Phil., degree granted by the Alagappa University, the 5<sup>th</sup> respondent has paid second incentive increment in favour of the petitioners, which sought to be recovered by the order of the fourth respondent, on the ground that the M.Phil., degree offered by the sixth respondent during summer period is not recognised either by the University Grants Commission or by the State Government, which is not sustainable. Once the University recognised the course and awarded a degree in favour of the petitioners, they are entitled to receive incentive



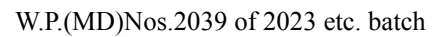
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increment from the fifth respondent in terms of the above said Government Orders, which cannot be interfered with. Accordingly, he prayed for allowing of these writ petitions.

4. The learned counsel appearing for the respondents 2 to 5 would submit that admittedly, M.Phil., (Summer Sequential Programme), which was conducted by the Alagappa University is not approved by the University Grants Commission or by the State Government. The M.Phil., (Summer Sequential Programme) is a part time programme only for 45 days and the same is contrary to Clause 4.1 and Clause 11.1 of the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D., Degree) Regulation, 2016. Hence, the impugned orders are perfectly in order, which cannot be interfered with. Hence, he prayed for dismissal of these writ petitions.

5. When this Court posed a question to the learned counsel appearing for the Alagappa University whether the M.Phil., Summer Sequential Programme conducted by the Alagappa University is approved



6. Heard the learned Senior counsel appearing for the petitioner, learned counsel appearing for the first respondent, learned counsel appearing for the respondents 2 to 5 and the learned counsel appearing for respondent.

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8. For better appreciation, Clause 4.1 and 11.1 of the University Grants Commission (Minimum Standards and Procedure for Award of M.Phil./Ph.D., Degree) Regulation, 2016, reads as follows:

***“4. Duration of the Programme:***

*4.1 M.Phil. programme shall be for a minimum duration of two (2) consecutive semesters / one year and at maximum of four (4) consecutive semesters / two years.*

*4.2 Ph.D. programme shall be for a minimum duration of three years, including course work and a maximum of six years.*

*4.3 Extension beyond the above limits will be governed by the relevant clauses as stipulated in the Statute/Ordinance of the individual Institution concerned.*

*4.4 The women candidates and Persons with Disability (more than 40% disability) may be allowed a relaxation of one year for M.Phil and two years for Ph.D. in the maximum duration. In addition, the women candidates may be provided Maternity Leave/Child Care Leave once in the entire duration of M.Phil/Ph.D. for up to 240 days.”*

***11.Treatment of Ph.D / M.Phil. through Distance Mode/Part-time:***

*11.1 Notwithstanding anything contained in these Regulations or any other Rule or Regulation, for the time being in force, no University; Institution, Deemed to be a University and College shall conduct M.Phil. and Ph.D. Programmes*



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*through distance education mode.*

*11.2 Part-time Ph.D will be allowed provided all the conditions mentioned in the extant Ph.D Regulations are met.”*

9. A perusal of Clause 4.1 of the Regulation makes it clear that M.Phil., programme shall be for a minimum duration of two (2) consecutive semesters / one year and at maximum of four (4) consecutive semesters / two years. Similarly, Clause 11.1 of the Regulation also makes it clear that notwithstanding anything contained in these Regulations or any other Rule or Regulation, for the time being in force, no University; Institution, Deemed to be a University and College shall conduct M.Phil. and Ph.D. Programmes through distance education mode.

10. A perusal of the above said Regulation makes it clear that duration of the M.Phil., programme is minimum 2 consecutive semesters/one year and maximum four consecutive semesters/two years. However, in the present cases, the sixth respondent viz., Alagappa University conducted the M.Phil., (Summer Sequential Programme) for a



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period of six months, which was not approved by the University Grants Commission. Hence, the claim made by the petitioners is misconceived and the respondents 4 and 5 have rightly passed the impugned orders, which cannot be interfered with.

11. In the result, all the Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**27.02.2023**

NCC: Yes/No  
Index : Yes / No  
Speaking Order : Yes / No

akv

To

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- 3.The Secretary of School Education,  
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Chennai 35.
- 4.The Regional Accounts Officer (Audit),  
Regional Accounts Office,  
Department of School Education,  
Tallakulam,  
Madurai 625 002.
- 5.The Headmaster,  
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**M.DHANDAPANI,J.**

akv

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