



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Fourth day of July Two Thousand and Twenty Three
PRESENT

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The Hon`ble Mrs.Justice L.VICTORIA GOWRI

WMP(MD) No.6950 of 2023
IN
WP(MD) No.7413 of 2023

VANAJA T

... PETITIONER/PETITIONER

Vs

1 THE CHIEF EDUCATION OFFICER
NAGERKOVIL, KANYAKUMARI DISTRICT.

2 THE DISTRICT EDUCATIONAL OFFICER, (SECONDARY)
NAGERKOVIL, KANYAKUMARI DISTRICT.

3 THE SECRETARY
S.M.S.M. HIGHER SECONDARY SCHOOL,
SUCEENDRAN,
KANYAKUMARI DISTRICT.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to direct the respondents to settle the retirement benefits to the petitioner pending disposal of the above writ petition and thus render justice.

PRAYER IN WP(MD) .7413/2023:

To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st Respondent in his proceedings in Na.Ka.No. 5948/E4/2022 dated 28.12.2022 and the order passed by the 3rd respondent in his proceedings in Ref. No. 114/2022-2023 dated 14.02.2023 and quash the same and direct the respondents to sanction the retirement benefits including incentive increment for M.Phil., qualification with interest will and consequential benefits.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.PANNEER SELVAM V, Advocate for the petitioner and of Mr.N.RAMESH ARUMUGAM, Government Advocate on



behalf of the Respondents No.1 & 2 and Mr.K.P.NARAYAN, Advocate for the 3rd Respondent, the court made the following order:-

W.M.P(MD)No.6950 of 2023 is filed to direct the respondents to settle the retirement benefits to the petitioner pending disposal of the Writ Petition.

2.The petitioner was appointed as P.G Assistant in the third respondent School on 30.01.1986 and the same was approved by the Educational authorities. Thereafter, the petitioner passed M.Ed Degree in the year 1989. As per the scheme, the petitioner was awarded first incentive increment for the higher qualification of M.Ed Degree and the petitioner passed M.Phil Degree in the year 2009. As per the scheme, the petitioner was awarded second incentive increment for the higher qualification of M.Phil Degree. However, the petitioner studied M.Phil Degree at Vinakaya Mission University, Salem. While so, in the year 2014, an audit objection was raised for sanctioning the incentive increment for M.Phil Degree, since the required qualification was acquired from the Vinayaka Mission University, Salem. The petitioner submitted a detailed reply to the objection, explaining that permission to study at Vinayaka Mission University was also duly obtained. The Director of School Education while granting permission to the petitioner to study M.Phil Degree on 14.06.2008 specifically mentioned the name of the University, namely Vinayaka Mission University, Salem and the Director of School Education also granted permission to study M.Phil Degree in the said Vinayaka Mission University, Salem.

3.According to the petitioner, after passing the degree, they cannot object to the same. However, an appeal has been filed before the Honourable Division Bench of this Court in W.A(MD)No.827 of 2022 pertaining to the M.Phil Degree granted by the Vinayaka Mission University, Salem and the same is pending before the Honourable Division Bench of this Court. In the said Writ Appeal, an order of interim stay of recovery of the incentive increment is also granted and the matter is still pending before the Division Bench of this Court. However, the first respondent passed an order of recovery on 28.12.2022, as far as the incentive increment pertaining to M.Phil Degree acquired by the petitioner from Vinayaka Mission University, Salem. Thereafter, the third respondent also passed an order on 14.02.2023 for recovery of Rs.4,63,125/- and in the meanwhile, the petitioner reached the age of superannuation in July 2022 and in view of these complications, the terminal benefits of the petitioner are not sanctioned by the third respondent so far. However, at the instance of both the parties, this Court directs the respondents 1 and 2 to retain the said amount of Rs.4,63,125/- and process the pension proposal and settle the terminal benefits of the petitioner as far as the other emoluments are concerned within a period of six weeks from the date of receipt of a copy of this order.



WMP(MD)



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4. With this observation, this Writ Miscellaneous Petition is allowed.

sd/-

04/07/2023

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/07/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PS

TO

- 1 THE CHIEF EDUCATION OFFICER
NAGERKOVIL, KANYAKUMARI DISTRICT.
- 2 THE DISTRICT EDUCATIONAL OFFICER, (SECONDARY)
NAGERKOVIL, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.PANNEER SELVAM V Advocate SR.No.10312 **(I)**
Dt.06/07/2023.

ORDER

IN

WMP (MD) No.6950 of 2023

IN

WP (MD) No.7413 of 2023

Date :04/07/2023

SA/SAR. /10.07.2023/3P/4C