



W.P.(MD).No.18350 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.18350 of 2020

and

W.M.P.(MD) Nos.15329, 15330 of 2020, and 3015 of 2021

P.Sarumathi

... Petitioner

Vs.

1.The Director of School Education,
College Road,
Nungambakkam,
Chennai – 6.

2.The Chief Educational Officer,
Theni District,
Theni.

3.The District Educational Officer,
Uthamapalayam,
Theni District.

4. Kanakku Velayee Amaravathi Ammal
(KVA) Girls' Higher Secondary School,
Represented by its Secretary,
Chennamanur,
Theni District.

... Respondents



W.P.(MD).No.18350 of 2022

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the fourth respondent in Na.Ka.No. 165-2019 signed on 12.07.2019 and quash the same and consequently directing the respondents to remit back the amount which already recovered from my salary.

For Petitioner : Mr.T.Aswin Rajasimman
for M/s.Lajapathi Roy Associates

For Respondents : Mr.V.Om Prakash
Government Advocate
For R-1 to R-3

: No appearance – for R4

ORDER

The present Writ Petition has been filed by a PG Assistant (Commerce) challenging the order passed by the fourth respondent herein on 12.07.2019, wherein, the petitioner's incentive increment is sought to be cancelled on the ground that the petitioner has undergone M.Phil course in an un-approved institution.



W.P.(MD).No.18350 of 2022

WEB COPY

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as P.G Assistant (Commerce) in the year 1986. The petitioner had joined M.Phil, (Commerce) in Vinayaga Mission University, Salem (Deemed University) through correspondence course and obtained M.Phil Degree in the year 2009. Based upon the said higher qualification, incentive increment was conferred upon the writ petitioner from 25.06.2009.

3. Under the impugned order, the incentive increment that was granted to the writ petitioner from 25.06.2009 was sought to be recovered on the ground that M.Phil Degree was granted by Vinayaka Mission University through Distance Education has not been approved by the Government and therefore, on the said Degree, the incentive increment ought not to have been granted to the writ petitioner from 25.06.2009.



W.P.(MD).No.18350 of 2022

WEB COPY

4. The learned Counsel appearing for the writ petitioner brought to the notice of the Court, the judgment of the Hon'ble Division Bench of this Court, in a batch of writ appeals in ***W.A.Nos.2328 of 2018 etc., dated 04.08.2023, (Mr.S.Sivan Vs. The Regional Accounts Officer, (Audit) Department of School Education, Coimbatore and others)***, wherein, Paragraph No.24 of the Hon'ble Division Bench of this Court is pleased to point out that between 2007 to 2012, Vinayaka Mission University was given institution wise recognition by the UGC and therefore, the Teachers, who had joined the Course either in the year 2007 or in the year 2008 and completed either in the year 2008 or in the year 2009, have been granted a valid Degree.

5. In view of the above said facts of the present case, the judgment of the Hon'ble Division Bench of this Court is squarely applicable to the facts of the present case, in view of the fact that the petitioner had passed out in the year 2009.



W.P.(MD).No.18350 of 2022

WEB COPY

6. In view of the above said deliberations, the order impugned in the writ petition is set aside and the writ petition stands allowed. The respondents are directed to continue to pay the incentive increment for the petitioner. If any amount had been recovered from the petitioner, the same shall be refunded to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

22.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

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5/6



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W.P.(MD).No.18350 of 2022

R.VIJAYAKUMAR,J.

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W.P(MD)No.18350 of 2020

22.11.2023