



W.P.(MD).No.20320 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20320 of 2022

and

W.M.P.(MD) Nos.14739, 14740 of 2022 and 3611 of 2023

Kalaiarasi

Vs.

... Petitioner

1. The Government of India,
Represented by its Deputy Educational Adviser,
Ministry of Human Resources Development,
Government of India,
New Delhi.
2. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education
Fort. St. George,
Chennai -9.
3. The Director of School Education,
Office of the Director of School Education,
DPI Campus,
Chennai-6.
4. The Joint Director of School Education (Personnel)
Office of the Joint Director of School Education (Personnel)
DPI Campus,
Chennai – 6.



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5. The Chief Educational Officer,
Office of the Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
6. The District Educational Officer,
Office of the District Educational Officer,
Paramakudi,
Ramanathapuram District.
7. The Secretary,
Cum Correspondent,
Kshatriya Nadar Girls Higher Secondary School,
Kamuthi,
Ramanathapuram District.
8. The Regional Accounts Officer (Audit),
School Education,
Tallakulam,
Madurai – 625 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.Nil dated .08.2022 served on the petitioner on 23.08.2022 on the file of the seventh respondent and quash the same.

For Petitioner : Mr.T.Aswin Rajasimman

For Respondents : Mr.D.Saravanan
CGSC – for R1
: Mr.V.Om Prakash
Government Advocate
For R-2 to R6 and R8



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ORDER

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The present Writ Petition has been filed by a Vocational Instructor (Commerce) challenging the order passed by the seventh respondent herein dated ...08.2022, 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.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as Vocational Instructor (Commerce) in the year 1993. 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 2008. Based upon the said higher qualification, the incentive increment was conferred upon the writ petitioner from 18.08.2010.

3. Under the impugned order, the incentive increment that was granted to the writ petitioner from 18.08.2010 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



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Government and therefore, on the said Degree, the incentive increment ought not to have been granted to the writ petitioner from 18.08.2010.

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 2008.



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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
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To

1. The Deputy Educational Adviser,
Ministry of Human Resources Development,
Government of India,
New Delhi.

2. The Principal Secretary,
Department of School Education
Fort. St. George,
Chennai -9.



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R.VIJAYAKUMAR,J.

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