



W.P.(MD).No.25562 of 2022

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

WEB COPY

**DATED : 20.10.2023**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.25562 of 2022

and

W.M.P(MD) Nos.19648 and 23253 of 2022

Rajathilagam  
D/o. Dharmaraj  
District Inspector of Physical Education- Incharge,  
Physical Director Grade -I,  
Government Higher Secondary School Nilakkottai,  
Dindigul District.

Now residing at

No.20-C-6-10,  
Sowbackiya Nagar,  
Madurai Road,  
Batlagundu – 624 202,  
Dindigul District.

... Petitioner

Vs.

1. The State Represented by  
The Secretary to the Government,  
School Education Department,  
Fort St. George,  
Chennai – 600 009.



**W.P.(MD).No.25562 of 2022**

2. The Director,  
School Education Department,  
DPI Complex,  
College Road,  
Nungambakkam,  
Chennai.

3. The Regional Accounts Officer, (Audit),  
School Education Department,  
Madurai Region,  
Madurai.

4. The Chief Educational Officer,  
Dindigul District,  
Dindigul.

5. The Head Master,  
Government High School,  
Nilakkottai,  
Dindigul District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.3703/A9/2019, dated 07.01.2020 and consequential impugned order of recovery passed by the fifth respondent in Na.Ka.No.37/2022, dated 14.10.2022 and quash the same as illegal and arbitrary and consequently direct the respondents to continue to pay the incentive increment for the petitioner's M.Phil., Degree and for other reliefs.

For Petitioner : Mr.J.Lawrance



WEB COPY



**W.P.(MD).No.25562 of 2022**

For Respondents

: Mr.V.Omprakash  
Government Advocate

## **ORDER**

The present Writ Petition has been filed by the petitioner challenging the order passed by the fifth respondent herein on 14.10.2022, wherein, the petitioner has been directed to clear the audit objection due to the conferment of incentive increment.

2. According to the learned counsel appearing for the writ petitioner, the petitioner was appointed as Physical Education Teacher Grade-I in the year 2008. The petitioner had joined M.Phil, (Physical Education Course) in Vinayaga Mission University, Salem (Deemed University) through Distance Education in the year 2007 and obtained M.Phil Degree in the year 2009. Based upon the said higher qualification, the incentive increment was conferred upon the writ petitioner in December 2009.

3. Under the impugned order, the incentive increment that was granted to the writ petitioner in December 2009 was sought to be recovered on the

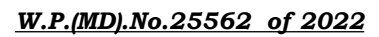


**W.P.(MD).No.25562 of 2022**

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 in December 2009.

4. The learned counsel appearing for the writ petitioner brought to the notice of this Court the judgment of the Hon'ble Division Bench of our High Court, in batch of writ appeals in ***W.A.Nos.2328 of 2018 and etc., batch 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 our High 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 our High Court is squarely applicable to the



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. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

**20.10.2023**

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



**W.P.(MD).No.25562 of 2022**

To  
WEB COPY

1. The Secretary to the Government,  
School Education Department,  
Fort St. George,  
Chennai – 600 009.
2. The Director,  
School Education Department,  
DPI Complex,  
College Road,  
Nungambakkam,  
Chennai.
3. The Regional Accounts Officer, (Audit),  
School Education Department,  
Madurai Region,  
Madurai.
4. The Chief Educational Officer,  
Dindigul District,  
Dindigul.
5. The Head Master,  
Government High School,  
Nilakkottai,  
Dindigul District.



WEB COPY



**W.P.(MD).No.25562 of 2022**

**R.VIJAYAKUMAR,J.**

ebsi

**W.P(MD)No.25562 of 2022**

**20.10.2023**