



W.P.(MD).No.27180 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.27180 of 2023

and

W.M.P(MD)Nos.23355 & 23356 of 2023

P.Rajarajan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
Office of the Director of School Education,
College Road,
Chennai-6.
- 3.The Chief Educational Officer,
Office of the Chief Educational Office,
Karur,
Karur District.
- 4.The Headmaster,
Government High School,
Puduvadi, Karur District.



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5. The Registrar,
Vinayaga Missions University,
Ariyanoor,
Salem-636 308.

... 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 relating to the impugned order passed by the fourth respondent vide his impugned proceedings in Na.Ka.No.96/2018, dated 18.11.2019 and quash the same as illegal and consequentially to direct the respondents to repay the amount which has been recovered from his salary and consequentially to direct the respondents restore the incentive increment and the arrears to the effect shall be calculated and paid to the petitioner.

For Petitioner : Mr.H.Mohammed Imran

For R-1 to R-4 : Mr.N.GA.Natraj
Government Advocate

ORDER

The present Writ Petition has been filed by a B.T Assistant (Science) challenging the order passed by the fourth respondent herein on 18.11.2019, wherein, the petitioner's incentive increment is sought to be cancelled on the



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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 B.T Assistant (Science) in the year 2005. The petitioner had joined M.Phil, (Chemistry) 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 18.01.2023.

3. Under the impugned order, the incentive increment that was granted to the writ petitioner from 18.01.2023 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 18.01.2013.



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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. Any amount that was recovered from the petitioner, the same shall be refunded to the writ petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

15.11.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat,
Chennai.
- 2.The Director of School Education,
Office of the Director of School Education,
College Road,
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3.The Chief Educational Officer,
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R.VIJAYAKUMAR, J.

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