



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.4264 of 2020
and W.M.P.No.5042 of 2020
and W.M.P.No.6706 of 2021

A.Beebijan

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Petitioner

versus

1.The District Educational Officer
Kallakurichi Educational District,
Kallkurichi District.

2.The Block Educational Officer-I,
Sankarapuram Block,
Kallakurichi District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating impugned order issued by the 2nd respondent in Na.Ka.No. 247/Aa2/2019 dated 11.02.2020 and to quash the same and consequently directing the respondents to continue to pay the incentive increment to the petitioner acquiring B.Lit., B.Ed., and M.A., degree as granted as per proceedings of 2nd respondent dated 24.04.2015 and 19.09.2017 consequential and other attendant benefits.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader



ORDER

The petitioner has filed this Writ Petition challenging the proceedings of the 2nd respondent dated 11.02.2020 and to direct the respondents to pay the incentive increment to the petitioner for acquiring B.Lit., B.Ed., and M.A., degree with attendant benefits.

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3. The petitioner, who was appointed as Secondary Grade Teacher in the Aided Elementary School, Ramarajapuram on 01.06.1997 has been subsequently transferred to Alagappa Aided Middle School, Sankarapuram Union on 11.12.2001. The petitioner has acquired higher qualification in B.Lit., (Tamil) degree and B.Ed., degree and M.A., (Tamil) degree and she was sanctioned with incentive increment. But on 11.02.2020 the incentive increment has been cancelled by the 2nd respondent along with recovery by



stating that the petitioner had studied B.Ed., degree and M.A., degree in one and the same time.

4. The case of this petitioner is similar to the dispute in Writ Petition in *W.P.No.4747 of 2020 dated 09.10.2023 [K.Gajalakshmi Vs. State of Tamil Nadu and others]*. In the said Writ Petition, this Court has passed the following order:-

“5. The learned counsel for the Petitioner attracted attention of this Court to the Division Bench judgment of this Court made in W.P.No.1098 of 2012, wherein it is held as under:

“7.As adverted to earlier, the specific relief sought in the Writ Petition is to recognize the degrees, viz., B.A., and B.Ed., obtained by the Petitioner simultaneously from Periyar University as well as Annamalai University. Of course, it is true that B.A.Degree has been obtained by the Petitioner/Respondent through correspondence course in Annamalai University.

8.In fact, this Court has perused the reply given by the Madras University, wherein it has been simply stated that so far two degrees obtained in the same year have not been recognized. In fact, the Madras University has not specifically stated any Rule, which prohibits recognition”



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Even the counter affidavit of the third Respondent also does not specify which rules prohibits the approval of obtaining two degrees by the candidate in one and the same time.

6. However, learned Special Government Pleader for the Respondents submitted that as per G.O.Ms.No.361, School Education Department dated 31.12.1999, candidates who obtained any of the required qualification, simultaneously are not eligible to apply for the recruitment.

7. Learned counsel for the Petitioner submitted that after the Petitioner had joined MA. in distance education mode in the year 2006 [academic year 2006-2008] and he completed B.Ed., on regular basis in April 2008.

8. Since the Petitioner studied B.Ed. Degree in regular mode and had joined M.A. Degree in distance education mode, it seems that she completed both the courses in one and the same time. The Petitioner had joined M.A., Degree in the year 2006 and cleared first year M.A. during May 2007 and then she took break in the next year and finished her B.Ed., in the next year. B.Ed., certificate would show that her B.Ed., Degree examination was held during April 2008. However, second year M.A. certificate shows that during December



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2008, she had completed M.A. Degree. Since the Petitioner had joined in distance education mode and thereafter she joined B.Ed., in regular mode, there was a contradiction and the records would show that M.A. Degree was secured by the Petitioner after she had secured the B.Ed., Degree. The impugned order has been given without verifying the facts correctly.

10. Accordingly, this Writ Petition is disposed with the direction to the Respondents to issue appointment/posting order in favour of the Petitioner to the post of P.G.Assistant (Tamil), based on the selection to the post of P.G.Assistant (Tamil) as per the Provisional Selection List dated 02.01.2020 and based on the counselling for placement/postings conducted on 09.02.2020 issued by the third Respondent vide proceedings in Na.Ka.No.1467/A3/2019 dated 06.02.2020, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.”

5. The matter in issue is also similar to the earlier Writ Petition filed in ***W.P.No.4747 of 2020 cited supra***, in which the above order has been passed. Since the petitioner is also similarly placed, his case would also



have the similar line of appreciation that was considered in the above Writ Petition. Hence this petitioner is also entitled to the same relief as already granted to the other similarly placed person in the earlier judicial order.

6. Accordingly, this Writ Petition is **disposed** with a direction to the respondents to pay the incentive increment to the petitioner for acquiring B.Lit., B.Ed., and M.A., degree, within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

01.03.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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R.N.MANJULA, J.

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