



Writ Petition No.11581 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11581 of 2023

and

W.M.P.No.11480 of 2023

S.Usha

W/o.N.Lakshmi Narasimhan

... Petitioner

Vs.

- 1.The Regional Accounts Officer,
(Audit), Department of School Education,
Coimbatore - 641 001.
- 2.The Director,
Directorate of School Education,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Chengalpet,
Chengalpet District.
- 4.The Headmaster,
Government Higher Secondary School,
Kuvathoor,
Chengalpet District.
- 5.The Registrar,
Vinayaka Missions University,
Salem - 636 308.



Writ Petition No.11581 of 2023

6.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

... Respondents

(Amendment carried out as per order of this Court in W.M.P.No.35129 of 2023 in W.P.No.11581 of 2023, dated 27.09.2024]

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents 1 to 4 from initiating any action to recover the payment of incentive increments paid to the petitioner for having qualified M.Phil degree granted by the fifth respondent and consequently, direct the respondents 1 to 4 to continue to pay the incentive increment to the petitioner.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.S.Prabhakaran
Government Advocate [R1 to R4]
No appearance [R5]
Mrs.V.Sudha, Standing Counsel [R6]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents 1 to 4 from initiating any action against the petitioner for recovery of the amount that has been paid towards incentive increments and for a further direction to the respondents to continue to pay the incentive increments to which the petitioner is entitled.



Writ Petition No.11581 of 2023

2. Heard Mr.N.Umapathi, learned counsel for petitioner, Mr.S.Prabhakaran, learned Government Advocate appearing for respondents 1 to 4 and Mrs.V.Sudha, learned Standing Counsel appearing for sixth respondent.

3. When the matter was taken up for hearing, the order passed by the Division Bench of this Court in a batch of writ appeals in W.A.No.2328 of 2018 *etc.* dated 04.08.2023 was placed before this Court. The judgment of the Division Bench pertained to the very same University *viz.*, Vinayaka Missions University. Hence, the issue involved in the present writ petition is covered by the judgment of the Division Bench.

4. The relevant portions in the aforesaid judgment are extracted hereunder:

"35. In the result, the following orders are passed in these writ appeals:

- ◆ That the impugned order passed by the writ Court dated 06.09.2018 is set aside. As a sequel, the impugned order that was challenged before the Writ Court in the respective petitions is also set aside to the extent that those teachers who had studied in the Vinayaka Mission's University during the relevant point of time i.e., 2007 to 2009 since had acquired the qualification during the period which the



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Writ Petition No.11581 of 2023

University also enjoyed the approval or recognition from the DEC, IGNO, the said objection raised by the audit Department would not be sustained. Therefore, on that ground, the incentive increment already allowed to these teachers need not be disturbed. If the increment already been allowed to these teachers have been cancelled or stopped by virtue of the order, which is impugned herein, the same shall be restored and the arrears to that effect shall be calculated and be paid to the teachers/appellants. To that extent, all these writ appeals are allowed. No costs. Connected miscellaneous petitions are closed."

In view of the above, this writ petition is disposed of in the light of the judgment of the Division Bench in W.A.No.2328 of 2018 *etc.* dated 04.08.2023. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024

Neutral Citation: Yes/No

Index: yes/no

Speaking Order/Non-Speaking Order
gm

To

1.The Regional Accounts Officer,
(Audit), Department of School Education,
Coimbatore - 641 001.

2.The Director,
Directorate of School Education,
Chennai - 600 006.

3.The Chief Educational Officer,



Writ Petition No.11581 of 2023

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- Tiruppur - 641 604.
Tiruppur District.
- 4.The Headmaster,
Governemnt Higher Secondary School,
Pethappampatti - 642 205.
Tiruppur District.
- 5.The Registrar,
Vinayaka Missions University,
Salem - 636 308.
- 6.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
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N.ANAND VENKATESH, J



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Writ Petition No.11581 of 2023

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Writ Petition No.11581 of 2023

27.09.2024