



W.P.No.28015 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.28015 of 2021 and
W.M.P.Nos.29587 of 2021

J.Rock Feller

... Petitioner

Vs.

1. The Chief Educational Officer,
Villupuram District,
Villupuram.

2. The District Educational Officer,
Villupuram Education District,
Villupuram.

3. The Headmaster,
Government Boys Higher Secondary School,
Sithalingamadam 605 803,
Villupuram District.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the impugned order issued by the 3rd Respondent in Na.Ka.No.169/2021-22, dated 22.11.2021, served on the petitioner dated 30.11.2021 and to quash the same.



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For Petitioner : Mr.S.Nedunchezhiyan
For Respondents : Mr.P.Gurnathan,
Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition, challenging the impugned orders passed by the 3rd Respondent in Na.Ka.No.169/2021-22, dated 22.11.2021.

2. The petitioner was initially appointed as a Physical Education Teacher through Employment Exchange on 28.09.1998 at Government Higher Secondary School, Mambazhapattu, Villupuram District and he is presently working in the third respondent School since 2010. It is the grievance of the petitioner that the incentive granted for acquiring B.P.Ed., degree, has been stopped and recovery order came to be issued in view of the objection raised by the Audit Department. Hence, this Writ Petition.

3. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner and Mr.P.Gurunathan, learned Additional Government Pleader appearing for the Respondents.



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4. Mr.S.Nedunchezhiyan, learned counsel for the petitioner submitted that after obtaining permission from the respondent Department, the petitioner had studied B.P.Ed course in Ramakrishna Mission Vivekananda University and completed the course in the year 2010 and he was granted with incentive increment for acquiring the higher qualification of B.P.Ed., from the year 2010. However, when the petitioner completed 20 years of service, the 3rd respondent sent a proposal for sanctioning Special Grade and at that time, an objection has been raised by the Audit Department on the ground that the B.P.Ed., Degree awarded by Ramakrishna Mission University, Coimbatore is not valid. Thereafter, the 3rd respondent has issued an order of recovery on 22.11.2021.

5. In this regard, the learned counsel for the petitioner attracted the attention of this Court to G.O.(Ms.)No.106, School Education [SE 3(1)] Department, dated 16.06.2022 wherein the Equivalence Committee had declared B.P.Ed., degree awarded by the Ramakrishna Mission Vivekananda Educational and Research Institute as equivalent to one year B.P.Ed., Course offered by other Universities.



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6. The issue involved in this Writ Petition is no longer *res integra* as the matter is covered by the Order of this Court in ***W.P.No.31007 of 2016, dated 10.01.2023 in M.Selvi Vrs. the Chief Educational Officer, Villupuram District and anr.***, wherein this Court had allowed the case of the similarly placed person in the light of the G.O.(Ms).No.106, School Education [SE 3(1)] Department, dated 16.06.2022. The relevant paragraphs are extracted hereunder for better appreciation:

"3. The original impugned order cannot be strictly found fault with since the Government Order came to be passed in the year 2022, recognising the degree obtained by the petitioner herein. Anyhow, now that the Government themselves have declared that the petitioner's degree of B.P.Ed obtained from Ramakrishna Mission Vivekananda Educational and Research Institute to be equivalent to regular B.P.Ed., there may not be any impediment on their part to process the petitioner's request for grant of selection grade scale of pay.

4. In the light of the above, the impugned order dated 25.07.2016 passed by the first respondent is quashed and the writ petition stands allowed. There shall be a direction to the respondents herein to process the petitioner's claim for grant of selection grade scale of pay on its own merits and in



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accordance with law. The respondents shall continue to pay the incentive increment for possessing B.P.Ed degree. No costs. Consequently, connected miscellaneous petition is closed."

7. The case on hand also is squarely covered by the above order of this Court. Therefore, nothing much is needed to be discussed in this Writ Petition as the Government had clarified the issue by granting equivalence to the B.P.Ed., degree awarded by the Ramakrishna Mission Vivekananda Educational and Research Institute, vide G.O.(Ms).No.106, School Education [SE 3(1)] Department, dated 16.06.2022 and hence the petitioner is also entitled to get the relief sought for in this Writ Petition.

8. In the result, the Writ Petition is allowed. The proceedings issued by the 3rd respondent on Na.Ka.No.169/2021-22, dated 22.11.2021 is quashed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No
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