



W.P.(MD) No.1363 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.1363 of 2021

Dr.M.Alagappan

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Animal Husbandry,
Dairying and Fisheries,
Fort St. George, Chennai-600 009.
- 2.The State of Tamil Nadu,
Rep., by its Secretary,
Department of Higher Education,
Fort St. George, Chennai-600 009.
- 3.The Registrar,
Tamil Nadu Veterinary and Animal
Sciences University (TANUVAS),
Rep., by its Registrar,
Madhavaram Milk Colony,
Chennai-600 051.
- 4.The Professor and Head,
Krishi Vigyan Kendra,



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Tamil Nadu Veterinary and Animal
Sciences University (TANUVAS),
Kundrakudi-630 206,
Sivaganga District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorarified Mandamus to call for the records pertaining to the orders passed by the 3rd respondent in F.No.12101/A1/2017, dated 31.12.2020 and to quash the same and consequently to direct the 3rd respondent to sanction five non-compounded advance increments from the date of appointment i.e., 01.12.2015 and revise refixation of pay.

For Petitioner	:	Mr.P.Arun Jayatram
For RR1 & 2	:	Mr.D.Sasikumar Additional Government Pleader
For RR3 & 4	:	Mr.S.Vijayakumar Standing Counsel for Mr.M.Kumar

ORDER

The petitioner herein was appointed as Assistant Professor (Aquaculture) in Respondent No.3-University on 11.11.2015 and is working as such as on date. The petitioner, who is possessing a Ph.D decree, made a



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claim for granting the benefit of five non-compounded advance increments in terms of Appendix-II of G.O.Ms.No.41, Animal Husbandry, Dairying and Fisheries (AH.6) Department, dated 15.03.2010. The relevant paragraph of Annexure-II reads as under:

“(i) Five non-compounded advance increments shall be admissible at the entry level of recruitment as Assistant Professor to persons possessing the degree of Ph.D. awarded in the relevant discipline as an additional qualification by a university following the process of registration, coursework and external evaluation as prescribed by the UGC-ICAR. If Ph.D. is prescribed as an essential qualification for the post, no incentive increment shall be given. Further, incentive increments shall be given only for one Ph.D. Additional Ph.Ds would not entitle a person for additional incentive increments.”

2. The said claim of the petitioner was negated by the respondent-University stating that the Ph.D. degree possessed by the petitioner was treated as a basic qualification/alternate qualification in order to be eligible



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for being appointed as Assistant Professor (Aquaculture), as the petitioner is not qualified in NET/SLET, which is the basic qualification for the post of Assistant Professor. The Ph.D. qualification is treated as basic qualification being an alternative qualification to NET/SLET and therefore, the Ph.D. degree possessed by the petitioner herein cannot be treated as an additional qualification, thereby enabling him to draw incentive increments in terms of G.O.Ms.No.41, dated 15.03.2010. Aggrieved by the said proceedings in F.No.12101/A1/2017, dated 31.12.2020, the petitioner approached this Court by filing the present writ petition.

3. It is the contention of the learned counsel for the petitioner that similarly situated Assistant Professors, like that of the petitioner herein, were granted the non-compounded advance increments by virtue of the Ph.D. degree possessed by them, but the petitioner herein is differentiated and is being denied the benefit to the very same extent.

4. On the other hand, the respondent-University filed counter affidavit re-iterating its stand as taken in the impugned order and also filed an



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additional counter affidavit contending that the benefit of advance increment granted in favour of similarly situated persons was already withdrawn and amounts paid to such persons are being recovered. Thus, it is contended that no other person is extended the benefit, that is being claimed by the petitioner and therefore, the petitioner is not entitled for the relief as sought in the writ petition.

5. This Court has carefully considered the submissions made on either side and perused the entire material on record. The entire basis for the claim of the petitioner is Appendix-II of G.O.Ms.No.41, dated 15.03.2010. From the perusal of Paragraph (i) of Appendix-II, it is clear that in case, if Ph.D. is prescribed as an essential qualification for the post, no incentive increment shall be given. In the instant case, the Ph.D. qualification possessed by the petitioner is treated as a basic qualification being an alternate qualification to NET/SLET for the post of Assistant Professor (Aquaculture), as the petitioner does not possess the qualification of NET/SLET. There is no dispute on this factual aspect. If that be the case, the question of treating the Ph.D. qualification possessed by the petitioner as



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higher qualification does not arise. Thus, the very basis of the claim of the petitioner is not sustainable.

6. Then, coming to the claim of the petitioner, by contending that other similarly situated persons were extended the benefit of advance incentive increment is concerned, as is evident from the counter affidavit, as the said benefit was already withdrawn and the amounts are being recovered from such persons and the petitioner cannot seek extension of the very same benefit is now found to be erroneous by the respondents themselves. In the circumstances, this Court does not find any merit in this Writ Petition and the same is accordingly, dismissed. No costs.

18.03.2024

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

ABR



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- 2.The Secretary to Government,
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MUMMINENI SUDHEER KUMAR, J.

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