



W.P.(MD).Nos.10637 to 10643 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2024

CORAM

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.(MD).Nos.10637 to 10643 of 2024**

**and**

**W.M.P.(MD).Nos.9516, 9517, 9520, 9521, 9522, 9523, 9529, 9530,  
9535, 9536, 9537, 9539, 9545 and 9546 of 2024**

|                 |                                             |
|-----------------|---------------------------------------------|
| Sahayamary      | ... Petitioner in W.P.(MD).No.10637 of 2024 |
| Jeyarosi        | ... Petitioner in W.P.(MD).No.10638 of 2024 |
| Prabakaran      | ... Petitioner in W.P.(MD).No.10639 of 2024 |
| Swamithurai     | ... Petitioner in W.P.(MD).No.10640 of 2024 |
| George          | ... Petitioner in W.P.(MD).No.10641 of 2024 |
| Sirajudeen      | ... Petitioner in W.P.(MD).No.10642 of 2024 |
| Bennet Anbunath | ... Petitioner in W.P.(MD).No.10643 of 2024 |
| Vs.             |                                             |

- 1.The Secretary of Higher Education,  
Secretariat of Higher Education,  
Chennai.
- 2.The Financial Advisor and Chief Accountant Officer,  
Commissioner Office of School Education,  
Chennai - 6.
- 3.The District Educational Officer (Secondary),  
District Educational Office,  
Sivagangai,



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Sivagangai District.

4.The Secretary / Correspondent,  
O.Ve.Se. Higher Secondary School,  
Manamadurai,  
Sivagangai District.

... Respondents

**COMMON PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining the impugned proceedings of the 3<sup>rd</sup> respondent in Na.Ka.No.1152/A1/2024 dated 15.04.2024 and quash the same and consequently direct the 3<sup>rd</sup> respondent not to initiate the recovery or re-fixation proceeding for getting incentives of higher qualification of M.Phil. (Summer Sequential Programme) offered Karaikudi Alagappa University till the decision of the Government as per the Order in W.A.(MD).No.259 of 2023 dated 07.12.2023.

(In all Writ Petitions):

For Petitioners : Mr.M.Ramu

For R-1 to R-3 : Mr.M.Siddharthan  
Additional Government Pleader

**COMMON ORDER**

The present writ petitions have been filed seeking to quash the proceedings of the third respondent in Na.Ka.No.1152/A1/2024 dated 15.04.2024 and consequently direct the 3<sup>rd</sup> respondent not to initiate the recovery or re-fixation proceeding for getting incentives of higher



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qualification of M.Phil. (Summer Sequential Programme) offered by Karaikudi Alagappa University till the decision of the Government as per the Order in W.A.(MD).No.259 of 2023 dated 07.12.2023.

2. Heard Mr.M.Ramu, learned counsel for the petitioners and Mr.M.Siddharthan, learned Government Advocate appearing for the respondents 1 and 2.

3. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4. Mr.M.Ramu, learned counsel for the petitioners submitted that the petitioners had obtained M.Phil., Degree from Alagappa University by joining a Summer Sequential Programme which followed the choice based credit system during the academic year 2018-2019, 2016-2017, 2017-2018 respectively. The petitioners completed the said course successfully and received the incentive for the said higher qualification.

5. However, the third respondent vide his impugned proceedings, dated 01.04.2024 has cancelled the incentive increment granted to the



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petitioners stating that M.Phil course offered by the Alagappa University through Summer Sequential Programme is not a recognised one. It is not an UGC approved programme and hence, re-fixed the salary by reducing the scale of pay of the petitioners.

6. The same issue has been already dealt by this Court in ***W.P(MD)No.9195 of 2024 dated 15.04.2024 (Geetha Vs. The Secretary to Higher Education, Secretariat of Higher Education, Chennai)***, therein the following order has been passed :

*“4. The petitioner is working as a graduate teacher in Panchayat Union Middle Secondary School, A.Venlangudi, Karaikudi Taluk, Sivagangai District. The third respondent has issued a proceedings, dated 27.03.2024 alleging that the petitioner has got the incentive increment for higher qualification in M.Phil Degree offered by Karaikudi Alagappa University following choice based credit System during Summer Sequential period, even though the Degree is not recognised by the State and Central Governments. The above issue is dealt in W.A.(MD)No.259 of 2023 dated 07.12.2023, in which, a direction was given to the Government to consider the above issue and pass orders. The above order calling for the Government to take a decision in the above Writ Appeal is extracted as under :*

*“14. In view of the facts and circumstances, we pass*



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*the following orders:*

*(i) The common order, dated 27.02.2023, passed in W.P.(MD) Nos.66, 67, 10386, 11609, 11720, 13879, 15666, 18235, 18236, 18237, 18238, 18239, 18240, 18241, 18242, 19438, 19718, 21691 & 21692 of 2022 and 2039, 2042 of 2023, are set aside to the limited extent of reconsidering the entire issues afresh.*

*(ii) The matter is remanded back to the Government for taking decisions on the equivalence and the validity of the M.Phil., Degree obtained by the writ petitioners / teachers under the Summer Sequential Programmes conducted by Alagappa University and to take a decision, whether the said Degree is to be considered for the purpose of grant of incentive increment or not.*

*(iii) The Government is expected to decide the issues as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy of this Judgment.*

*(iv) Accordingly, the writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”*

*5. Pursuant to the above order, the issue is pending with the Government for taking a decision. Now, the grievance of the petitioner is that even before the matter was*



*disposed of by the Government, the impugned notice has been given calling for explanation for recovering the amount towards the incentive enjoyed by the petitioner so far.*

*6. When the Government itself has not taken any decision, the petitioner may not be able to give any Government Order or document to prove that their entitlement to receive the incentive increment is supported by the Government Orders themselves. However, it is possible for the petitioner to place a request to the third respondent to extend the time for giving explanation till the Government takes a decision in the matter and pass orders thereon.*

*7. In the event of such a request is made by the petitioner, the third respondent shall consider the same and keep the matter in abeyance until the Government passes an order consequent to the directions of this Court in W.A. (MD)No.259 of 2023 etc., batch dated 07.12.2023.*

*8. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”*

7. In the present case also, the impugned order has been passed without issuing any show cause notice. The above order which has been passed in a similar case is very much applicable to the issue herein also.



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8. In view of the decision rendered in W.A.(MD)No.259 of 2023

etc., batch dated 07.12.2023, these Writ Petitions are **allowed** and impugned order passed by the third respondent is set aside and the third respondent is at liberty to issue a fresh show cause notice to the petitioners, subject to the outcome of the decision to be taken by the Government. No costs. Consequently, connected miscellaneous petitions are closed.

**30.04.2024**

**NCC:yes/no**

**Index:yes/no**

Internet:yes/no

Nsr

**To:**

- 1.The Secretary of Higher Education,  
Secretariat of Higher Education,  
Chennai.
- 2.The Financial Advisor and Chief Accountant Officer,  
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Chennai - 6.
- 3.The District Educational Officer (Secondary),  
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**R.N.MANJULA, J.**

Nsr

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30.04.2024