



W.P.(MD)No.7020 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.7020 of 2019

and

W.M.P.(MD).Nos.5602 to 5604 of 2019 & 10812 of 2019

R.Carline

... Petitioner

Vs.

- 1.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-2.
- 2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.
- 3.The District Educational Officer,
Aruppukottai,
Virudhunagar District.
- 4.STRN Government Higher Secondary School,
Represented by its Head Master,
Arupukottai, Virudhunagar District.
- 5.The Vinayaka Missions University,
Represented by its Registrar,
Salem-636 308.

... Respondents

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



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to the impugned order in Na.Ka.No. 22/2018, dated 15.02.2019, on the file of the respondent No. 4 and quash the same as illegal and consequently to forbear the respondents from recovering the incentive increment granted to the petitioner for acquiring the higher educational qualification of M.Phil Degree from the period from 01.02.2009.

For Petitioner : Mr.G.Karthik,
for M/s. T.Lajapathi Roy and Associates

For R-1 : Mr.P.Gunasekaran

For R-2 to R-4 : T.Amjad Khan,
Government Advocate

ORDER

This Writ Petition has been filed challenging the order dated 15.02.2019, passed by the fourth respondent, calling upon the petitioner to pay a sum of Rs.2,47,725/- (Rupees Two Lakhs Forty Seven Thousand Seven Hundred and Twenty Five only) which was earlier paid on account of holding M.Phil qualification from Vinayaka Missions University from the year 2009.

2. According to the respondents, earlier, an additional incentive increment was granted to the petitioner amounting to Rs.2,47,725/- (Rupees Two Lakhs Forty Seven Thousand Seven Hundred and Twenty Five only) based on her M.Phil. qualification obtained from Vinayaka Missions University,



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which is not a recognized University and therefore, the additional incentive increment given to her is erroneous and the same will have to be repaid by the petitioner.

3. Learned counsel appearing for the petitioner drew the attention of this Court to an order dated 28.08.2024, passed by this Court in ***W.P.(MD).No. 21390 of 2018*** in the case of ***P.Rajabakiyam Vs. The government of India, Represented by Deputy Educational Adviser, Ministry of Human Resources Development, Government of India, New Delhi and others*** by following the judgment of this Court, dated 10.07.2024 and 04.08.2023 rendered in W.A. (MD).Nos.827 of 2022 batch and W.A.Nos.2328 of 2018 batch respectively, holding that Vinayaka Missions University in which the petitioner had obtained his M.Phil. qualification is a recognized University.

4. Since this Court has consistently held that Vinayaka Missions University is a recognized University, the impugned order dated 15.02.2019, passed by the fourth respondent, holding that Vinayaka Missions University is not a recognized University, has to be quashed and this Writ Petition will have to be allowed.



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5. Accordingly, the impugned order dated 15.02.2019, passed by the fourth respondent, is hereby quashed and this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18.09.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

- 1.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-2.
- 2.The Chief Educational Officer,
Virudhunagar,
Virudhunagar District.
- 3.The District Educational Officer,
Aruppukottai,
Virudhunagar District.
- 4.Head Master,
STRN Government Higher Secondary School,
Represented by its
Arupukottai, Virudhunagar District.
- 5.The Registrar,
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ABDUL QUDDHOSE, J.

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