



W.P.(MD)No.12761 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.12761 of 2024
and WMP(MD)No.11359 of 2024

M.Bhama

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary to the Government,
School Education Department,
Secretariat,
Chennai-9.

2. The Director of School Education,
DPI Campus,
Chennai-6.

3. The Chief Educational Officer,
Tirunelveli District.

4. The Additional Chief Educational Officer,
SAMAGRA SHIKSHA,
Tirunelveli.

5. The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District.

6. The District Educational Officer,
Valliyoor,
Tirunelveli District.

.. Respondents



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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 to the Impugned Order in Mu.Mu.No.1375/ A1/ 2019 dated 23.03.2021 on the file of the Respondent No.6 and the Impugned Order in Na.Ka.No.252/ A1/ O.Pa.Ka/ 2021 dated 07.06.2021 and the Impugned Order in Na.Ka.No. 252/ O.Pa.Ka/ 2021 dated 27.10.2021 on the file of the Respondent No.4 and the Consequential Impugned Order in A.Thi.Mu.No.185/24/2023 dated 25.04.2023 on the file of the Respondent No.5 and quash the same as illegal and consequently for a direction, directing the Respondents to restore the incentive increment granted in favour of the petitioner for acquiring M.Ed Degree in the light of the Judgment rendered by this Court in W.P(MD)No.11684 of 2020 dated 22.09.2020 within the time prescribed by this Court.

For Petitioner : Mr.T.Aswinin Raja Simman

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus to quash the Impugned Order in Mu.Mu.No.



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1375/ A1/ 2019 dated 23.03.2021 on the file of the Respondent No.6 and the Impugned Order in Na.Ka.No.252/ A1/O.Pa.Ka/2021 dated 07.06.2021 and the Impugned Order in Na.Ka.No.252/O.Pa.Ka/2021 dated 27.10.2021 on the file of the Respondent No.4 and the Consequential Impugned Order in A.Thi.Mu.No.185/24/2023 dated 25.04.2023 on the file of the Respondent No.5 and consequently to direct the Respondents to restore the incentive increment granted in favour of the petitioner for acquiring M.Ed Degree in the light of the Judgment rendered by this Court in W.P(MD)No.11684 of 2020 dated 22.09.2020 within the time prescribed by this Court.

2. Heard Mr..T.Aswinin Raja Simman, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents.

3. The petitioner, after acquiring B.Sc., B.Ed., Degree and M.Sc Degree in Mathematics, was appointed as a Block Resource Teacher Educator in the year 2006 and thereafter she was posted as Supervisor-in-Charge, Block Resource Centre, Radhapuram in the year 2021 and



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presently working in the said post. She made a request for permission to study M.Ed., in the Indra Gandhi National Open University(hereinafter referred to as “the IGNOU”) to the 4th respondent and permission was granted on 26.02.2015. Accordingly, the petitioner joined in the IGNOU for studying M.Ed., and completed in June, 2017. Therefore, in order to get advance incentive increment for the additional qualification of M.Ed., the petitioner has made a request to the official respondents.

4. The 6th respondent vide his proceedings dated 23.12.2019 has granted validation to the M.Ed. Degree obtained by the petitioner and hence he was sanctioned with incentive increment for M.Ed Degree with effect from June 2017, ie., from the date of completion of the Degree. In the subsequent Government Order in G.O.Ms.No.160 dated 02.12.2024, recognition is given only for B.Ed degree secured through Open University System. Hence, in the subsequent order dated 23.03.2021, the 6th respondent cancelled the incentive increment granted to M.Ed degree. Consequent to the same, the fourth respondent ordered for recovery of the incentive increment granted to the petitioner for M.Ed degree vide his order dated 27.10.2021. Hence, the petitioner applied



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once again for granting incentive increment for M.Ed degree and his application was returned stating that no validity be given to M.Ed degree because G.O.Ms.No.160 dated 02.12.2024 has given recognition only for B.Ed degree secured through Open University System. Challenging the above impugned orders, the petitioner has filed this writ petition.

5. The issue raised in this Writ Petition has been elaborately discussed and covered in the earlier judgment passed in a Writ Petition in ***W.P.(MD).No.11684 of 2020 dated 22.09.2020 (M.Parimala v. The Secretary to Government, State of Tamilnadu and others)***, wherein the order has been analysed as under:.

"18.Moreover, when the official respondents already admitted that the B.Ed., degree awarded by the very same IGNOU is accepted as a equivalent degree, on what reason, they refused to accept the M.Ed., degree awarded by the very same IGNOU as there is absolutely no reason available to the respondents to make such plea. However, it is interested to note that on 08.08.2015, similar to that of the petitioner's case yet another teacher, who also obtained M.Ed., from the very same university, seems to have made a request for allowing the advance incentive increment and the same has been considered by the District Educational



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Officer concerned, who passed an order dated 08.08.2015 and in the said order, the District Educational Officer has stated that M.Ed., degree awarded by IGNOU is equivalent to the M.Ed., awarded by the universities of Tamil Nadu.

19.Though such power is not vested with the District Educational Officer to evaluate the degree awarded by a National University whether to be equivalent or not equivalent to the same or similar type of degree awarded by the university of Tamil Nadu, such a decision has already been taken by the Education Department and an order to that effect also has been passed and the benefit was also given to the teacher concerned. Therefore, that can be an additional reason, as has been pointed out by the learned counsel appearing for the petitioner and 7th respondent that the present reason stated in the impugned order cannot be said to be sustainable one.

20.Therefore, for all these reasons, this Court has no hesitation to hold that the reason assigned in the impugned order does not hold good. Therefore, both the impugned orders passed by the 6th and 4th respondent respectively, are liable to be quashed.

21.In the result, the impugned orders are quashed and the matter is remitted back to the respondents especially, fourth respondent, who shall re-consider the same and pass necessary orders after verifying the original certificates for M.Ed., obtained by the petitioner for advance incentive increment, as she claimed and



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accordingly, orders to that effect shall be passed, within a period of six weeks from the date of receipt of a copy of this order.

6. In view of the above judgment, the position about the issue regarding M.Ed degree has been settled and hence it is no more a *res integra*. Since the petitioner is also a similarly placed person, she is also entitled to the similar relief granted in the above writ petition.

7. In view of the above observations, this writ petition is **disposed of**. The impugned orders are quashed and the matter is remitted back to the respondents to re-consider the same and pass necessary orders after verifying the original certificates for M.Ed., obtained by the petitioner for incentive increment within a period of eight weeks from the date of receipt of a copy of this order. No Costs. Consequently, connected miscellaneous petition is closed.

14.06.2024

NCC :yes/no
Index :yes/no
Internet: yes/no

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To

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Chennai-6.

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R.N.MANJULA, J.

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