



WP(MD) No.16135 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.16135 of 2024

S.N.Saravanamoorthy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to the Government,
Higher Education (H1) Department,
Fort St. George,
Chennai - 9.

2. The Director of Collegiate Education,
Chennai - 6.

3. The Regional Joint Director of Collegiate Education,
Madurai Region,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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second respondent to grant incentive for acquiring Ph.D Degree with effect from 22.06.2018 with all consequential monetary benefits to the petitioner in accordance with the Clause 19.1 of the UGC Regulations of minimum qualifications for appointment of Teachers and others Academic Staff in Universities and colleges and measures for the maintenance of standards in Higher Education, 2018 within the time stipulated by this Court.

For Petitioner : Mr.T.Aswin Raja Simman

For Respondents : Mr.M.Siddharthan

Additional Government Pleader

ORDER

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

2.The petitioner has filed this Writ Petition seeking for a direction to the second respondent to grant incentive for acquiring Ph.D Degree with effect from 22.06.2018 with all consequential monetary



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benefits to the petitioner in accordance with the Clause 19.1 of the UGC Regulations of minimum qualifications for appointment of Teachers and others Academic Staff in Universities and colleges and measures for the maintenance of standards in Higher Education, 2018, within the time stipulated by this Court.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that the entitlement of incentive increment claimed by the petitioner is kept pending by citing G.O.Ms.No.95 Human Resources Management, dated 26.10.2023. Hence, the petitioner has come up with this writ petition seeking mandamus.

5. A similar issue has arisen before the Division Bench of this Court in W.A.(MD) 1052 of 2022, dated 21.06.2022. The Division Bench has also confirmed that the incentive increment is permissible for those persons, who already have the higher qualification and who had



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also made their application prior to issuance of G.O.Ms.No.95, dated 26.10.2023 cannot be denied with the said benefit by citing the above G.O. The relevant portion is extracted hereunder:

“12.In the instant case, the Writ Petitioner has, admittedly, acquired additional qualification by getting proper permission prior to issuance of G.O. (Ms)No.37 and it is his second incentive increment and in fact, the same also had been considered and granted by the appellants by proceedings, dated 19.12.2019 with effect from 01.07.2017. Hence, the argument of the appellants that in view of the clarificatory order, the Writ Petitioner is not entitled for the incentive increment, cannot be sustained and accordingly, rejected. The learned Judge, had rightly, arrived at a conclusion that the Writ Petitioner is entitled for the grant of second incentive increment and the same cannot be denied in view of G.O.(Ms)No. 37 and G.O.(Ms)No.95, which needs no interference and accordingly, sustained.”

6. In this regard, it is appropriate to refer the earlier order of this Court in W.P(MD) No.12797 of 2024, dated 18.06.2024. In the said



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order, this Court has made the following observation:

“4.On perusal of G.O.Ms.No.95, it is stated that the lump-sum amount is awarded for the State Government employees for having acquired additional qualification after 10.03.2020. The relevant part of G.O.Ms.No.95 would read as under:

“6.Accordingly, orders were issued in the Government order third read above, namely G.O.(Ms) No.120, Human Resources Management (FR-IV) Department, dated 01.11.2021, for granting incentive in the form of one-time lumpsum amount to the State Government Employees for having acquired additional qualification after 10.03.2020 as follows:-

SLNo.	Higher Qualification	Amount (Rs)
1	Ph.D	25,000/-
2	P.G.Degree or equivalent	20,000/-
3	Degree/Diploma	10,000/-

It may be noted that this decision emulates closely the decision taken by Government of India which in turn based on the 7th Central Pay Commission



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recommendations, ie., to grant a one time lumpsum incentive to the relevant higher educational qualifications. In this regard, further clarifications were also issued in the Government letter fourth read above.”

5.Since the petitioner has claimed that her husband had acquired the higher qualification of M.Phil Degree in the year 2018 itself, I feel the application of G.O.Ms.No.95 for the petitioner's case and awarding a lump-sum is not correct.

6.In view of the same, this Writ petition is allowed and the impugned order in Na.Ka.No.O3/7653/2024, dated 27.05.2024 is hereby set aside. The respondents are directed to reconsider the representation of the petitioner afresh and pass orders by sanctioning the incentive increment for acquiring M.Phil Degree by the petitioner's husband, within a period of four weeks from the date of receipt of copy of this order.”

7.Since the petitioner is also a similarly placed person, this petition is allowed and the second respondent is directed to reconsider



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the application of the petitioner in terms of the above observations and pass appropriate orders, within a period of four weeks from the date of receipt of copy of this order. No costs.

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

RM

To

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2. The Director of Collegiate Education,
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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.16135 of 2024

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