



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22227 of 2024

and

W.M.P(MD)No.18784 of 2024

S.Lovelin

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus,
College Road, Numgambakkam,
Chennai – 600 006.

2.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

3.The District Educational Officer,
Sivakasi,
Virudhunagar District.

4.The Head Master,
Government Higher Secondary School,
Reserve Line,
Sivakasi West – 626 124,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records of the 4th respondent in his proceedings in Na.Ka.No.44/2022, dated 14.11.2022 and



quash the same as devoid of merits and consequently direct the respondents to remit back the incentive increment amount which is already recovered from the petitioner's salary.

For Petitioner : Mr.R.Iyappan

For Respondents : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant writ petition has been filed by a BT Assistant Teacher, challenging the order dated 14.11.2022, wherein the incentive increment granted to her, based upon her M.Phil., qualification obtained from Vinayaka Mission University was cancelled.

2.According to the learned Counsel appearing for the writ petitioner, the incentive increment was awarded to the writ petitioner w.e.f.24.06.2008, based upon M.Phil., qualification acquired by her from Vinayaka Mission University. However, under the impugned order dated 14.11.2022, the said order has been recalled on the ground that M.Phil., degree is not valid in the eye of law.



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3.The issue is no longer *res integra* of the judgment of the Hon'ble Division Bench of this Court.

4.The learned Counsel appearing for the writ petitioner brought to the notice of the Court, the judgment of the Hon'ble Division Bench of this Court, in a batch of writ appeals in ***W.A.Nos.2328 of 2018 etc., dated 04.08.2023, (Mr.S.Sivan Vs. The Regional Accounts Officer, (Audit) Department of School Education, Coimbatore and others)***, wherein Paragraph No.24 of the Hon'ble Division Bench of this Court is pleased to point out that between 2007 to 2012, Vinayaka Mission University was given institution wise recognition by the UGC and therefore, the Teachers, who had joined the Course either in the year 2007 or in the year 2008 and completed either in the year 2008 or in the year 2009, have been granted a valid Degree.

5. In view of the above said facts of the present case, the judgment of the Hon'ble Division Bench of this Court is squarely applicable to the facts of the present case, in view of the fact that the petitioner had passed out in the year 2008.



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6. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

19.09.2024

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



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R.VIJAYAKUMAR, J.

RJR

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