



W.P.(MD)No.21390 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.21390 of 2018

and

W.M.P.(MD)Nos.19265 & 19266 of 2018

P.Rajabakiyam

... Petitioner

/Vs./

- 1.The Government of India,
Rep by Deputy Educational Adviser,
Ministry of Human Resources Development,
Government of India, New Delhi.
- 2.State of Tamil Nadu,
Rep by its Principal Secretary,
Department of School Education,
Fort St George, Chennai-9.
- 3.The Director of School Education,
O/o.The Director of School Education,
Dpi Campus, Chennai-6.
- 4.The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education (Personnel),
Dpi Campus, Chennai-6.



W.P.(MD)No.21390 of 2018

WEB COPY

5.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tanjore District, Tanjore.

6.The District Educational Officer,
O/o.The District Educational Officer,
Pattukottai, Thanjavur District.

7.The Headmaster,
Government Girls Higher Secondary School,
Madukkur-614903,
Thanjavur District.

8.The Regional Accounts Officer (Audit),
School Education,
Tallakulam,
Madurai-02.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order in Na.Ka.No.145/2018 dated 12.06.2018 on the file of the 7th respondent, and quash the same as illegal.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy Associates
For Respondents : Mr.T.Amjad Khan (R2 to R8)
Government Advocate
No appearance (R1)



W.P.(MD)No.21390 of 2018

WEB COPY

ORDER

This writ petition has been filed challenging the impugned order dated 12.06.2018 passed by the 7th respondent calling upon the petitioner to pay a sum of Rs.1,24,800/-, 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, additional incentive increment was granted to the petitioner amounting to Rs.1,24,800/- based on his M.Phil qualification obtained from Vinayaka Missions University, which is not a recognized university and therefore, the additional incentive increment given to him is erroneous and the same will have to be repaid by the petitioner.

3. The learned counsel appearing for the petitioner drew the attention of this Court to two Division Bench decisions of this Court dated 10.07.2024 and 04.08.2023 rendered in WA.(MD)Nos.827 of 2022 batch and WA.No.2328 of 2018 batch respectively and would submit that the impugned recovery order is bad in law, in view of the fact that in both



W.P.(MD)No.21390 of 2018

the aforesaid Division Bench judgments, it has been categorically held that Vinayaka Missions University has obtained recognition from Distance Education Council (DEC), Indra Gandhi National Open University (IGNOU), by order dated 28.02.2007. In view of the same, since Vinayaka Missions University is a recognized university, the impugned order has to be quashed.

4. The contention of the learned counsel appearing for the petitioner has also not been disputed by the learned Government Advocate appearing for the official respondents.

5. In view of the decisions rendered by the Division Bench of this Court dated 10.07.2024 and 04.08.2023 rendered in WA.(MD)Nos.827 of 2022 batch and WA.No.2328 of 2018 batch respectively that Vinayaka Missions University, in which the petitioner had obtained his M.Phil qualification is a recognized university, this Court is of the considered view that the impugned order dated 12.06.2018 passed by the seventh respondent has to be necessarily quashed and this writ petition will have to be allowed. Accordingly, the impugned order dated 12.06.2018 passed



W.P.(MD)No.21390 of 2018

by the seventh respondent is hereby quashed and this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

28.08.2024

Index : Yes / No
NCC : Yes / No
Sm

TO:

- 1.The Principal Secretary,
Department of School Education,
Fort St George, Chennai-9.
- 2.The Director of School Education,
O/o.The Director of School Education,
Dpi Campus, Chennai-6.
- 3.The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education (Personnel),
Dpi Campus, Chennai-6.
- 4.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tanjore District, Tanjore.
- 5.The District Educational Officer,
O/o.The District Educational Officer,
Pattukottai, Thanjavur District.



WEB COPY



W.P.(MD)No.21390 of 2018

ABDUL QUDDHOSE, J.

Sm

Order made in
W.P.(MD)No.21390 of 2018

Dated:
28.08.2024