



W.A.(MD).No.2430 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2430 of 2024
and
C.M.P.(MD).No.16879 of 2024

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai.

2.The Director of School Education,
O/o the Director of School Education,
College Road,
Chennai - 6.

3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

4.The Headmaster,
Government Girls Higher Secondary School,
Pathamadai,
Tirunelveli District.

... Appellants/Respondents 1 to 4

Vs.



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1.M.Susithra,
P.G.Assistant (English),
Government Girls Higher Secondary School,
Pathamadaai,
Tirunelveli District.

... 1st Respondent/Petitioner

2.The Registrar,
Vinayaga Missions University,
Ariyanoor,
Salem – 636 308.

... 2nd Respondent/5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 15.03.2024 in W.P.(MD).No.797 of 2024 on the file of this Court and to allow the Writ Appeal.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For R-1 : Mr.T.Antony Arul Raj

For R-2 : Mr.Mohammed Imran

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.797 of 2024 dated 15.03.2024.

2. The issue as to whether the incentive increment granted for the higher educational qualification of M.Phil., degree obtained from Vinayaga Missions



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University can be sustainable or not, is no more *res integra*, since this Court had held such degree to be valid for the purpose of grant of incentive increment in several cases including the case of the ***Government of Tamil Nadu, Represented by Secretary to Government, School Education Department, Fort St.George, Chennai – 09 and others Vs. R.Gunasekaran and others*** passed in ***W.A.(MD).No.686 of 2024 dated 16.04.2024***, which order was also confirmed by the Hon'ble Supreme Court in S.L.P(C).Diary No.34679 of 2024 dated 11.11.2024.

3. As such, the order of the learned Single Judge, directing the appellants herein to continue to pay the incentive increment to the first respondent and refund the amount recovered, if any, from the first respondent herein, cannot be found fault with. Hence, the Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
26.11.2024

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