



W.P.No.786 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 24.03.2025

CORAM :

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.786 of 2024

& W.M.P.Nos.812 & 29392 of 2024

P.Ravi,
Physical Education Teacher,
Government Higher Secondary School,
Aayilpatti, Rasipuram Taluk,
Namakkal District 636 202.

... Petitioner

vs.

1. The Director of School Education,
College Road, Chennai-6.

2. The Chief Internal Audit Officer - Cum Financial Advisor,
Directorate of School Education,
College Road, Chennai-6.

3. The Chief Educational Officer,
Namakkal District.

4. The District Educational Officer,
Namakkal District.

5. The Headmaster,
Government Higher Secondary School,
Aayilpatti, Rasipuram Taluk,
Namakkal 636 202.

... Respondents



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Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to Writ of Certiorari, to calling for the entire records connected with the impugned orders passed by the 5th respondent dated 06.12.2023 and the impugned order passed by the 4th respondent in Na.Ka.No.6239/2023 (Aa1), dated 26.12.2023 and quash the same.

For Petitioner : Mr.S.N. Ravichandran.

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader.

ORDER

The writ petition has been filed in the nature of a Certiorari seeking records relating to the impugned orders dated 06.12.2023 passed by the 5th respondent and dated 26.12.2023 passed by the 4th respondent and to quash the same.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner with much difficulty completed his schooling and later his Bachelor degree in B.Sc (Botany) and thereafter, also completed Higher Grade in Physical Education. He had also registered the qualifications in the District



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Employment Exchange. He was called for selection to the post of Physical

WEB Education Teacher. He was also appointed by Direct recruitment on 09.06.2008,

by the 3rd respondent and was posted at Government Higher Secondary School,

Pallakkapalayam which he joined on 16.06.2008. He was transferred to the

Government Higher Secondary School, Aayilpalayam and joined on 19.05.2010.

It had been stated that after obtaining prior permission, he studied B.PEd at

Ramakrishna Mission Vivekananda University and completed the degree in April

2009. This was also endorsed in the Service Register. He was also granted with

one set of incentive increment by the 5th respondent on 19.12.2012, with effect

from 31.05.2009. Thereafter, this particular increment was cancelled by the 5th

respondent and recovery was directed.

3. Further, the petitioner also obtained his Post Graduate Diploma in Yoga (PGDY) and for that, second incentive increment was also granted consequent to G.O.Ms.No.177, dated 13.10.2016. Under the impugned order grant of both the incentive increments have been questioned and direction had been issued that there must be recovery of the benefits which the petitioner had enjoyed owing to the grant of increments.



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4. Counter affidavit had been filed on behalf of the 3rd respondent,

wherein, the qualifications of the petitioner had not been denied or disputed.

However, it had been stated that the petitioner was not entitled for incentive increments since he did not have the required qualifications of B.Ed or B.T to be granted the first set of incentive increment. It had also been stated that it naturally follows that he is not entitled for the 2nd incentive increment which was granted for completing his Post Graduate in Yoga.

5. Heard the Learned Counsel for the petitioner and also the Learned Special Government Pleader for the respondents.

6. The issue is no longer *res integra*. The Hon'ble Full Bench judgment of this Court in judgment reported in ***Nadar Thanga Shabha Laxman.A vs. The State of Tamil Nadu*** reported in **2014-2-L.W.881**, had categorically held that once the equivalence committee had declared a particular degree to be equivalent to yet another degree, then the validity of the relevant qualification would date back to the obtaining of the very date of the qualification.



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7. In this connection, it is to be noted that the petitioner had initially completed his B.PEd at Ramakrishna Mission Vivekananda University and was granted the 1st incentive increment. Later, he was also completed Post Graduate in Diploma in Yoga and 2nd incentive increment was granted. The 1st incentive increment was granted with effect from 31.05.2009 and 2nd increment was to be granted from the date of G.O.Ms.No.177, dated 13.10.2016. The fact that the Post Graduate Diploma in Yoga is recognised, had also been affirmed and there is no dispute that the said qualification obtained by the petitioner disentitled him from getting the incentive increments.

8. The impugned orders are therefore interfered with and set aside. A direction is given that the petitioner is entitled for the first set of incentive increments for completion of B.PEd which should be granted on and from 31.05.2009 and also entitled for the second set of incentive increment for completing Post Graduate Diploma in Yoga, which should be granted on and from 30.10.2016.



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9. The writ petition stands allowed. The petitioner is entitled for the monetary benefits arising out of grant and such other incentive benefits. The entire exercise is to be completed within a period of three months from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

24.03.2025

Index :Yes/No.

Internet :Yes.

Neutral Citation : Yes/No.

bsm

To,

1. The Director of School Education, College Road, Chennai-6.

2. The Chief Internal Audit Officer - Cum Financial Advisor,
Directorate of School Education, College Road, Chennai 6.

3.The Chief Educational Officer, Namakkal District.

4.The District Educational Officer, Namakkal District.

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6. The Government Pleader, High Court, Madras.

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