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WP NO. 1183 of 2
IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18-03-2025



CORAM
THE HONOURABLE MRS JUSTICE N. MALA

WP No.. 1183 of 2022
and
WMP.Nos. 1259 & 1260 of 2022

K.Elangovan

..Petitioner

Vs

1. Government of Tamil Nadu
Rep.by the Secretary to Government, School Education Department,
Fort St.George, Chennai-600 009.

2. The Director of School Education
College Road, Chennai-600 008.

3. The Chief Educational Officer
Ariyalur District, Ariyalur.

4. The Head Master
Government High School, Siruvalur,
Ariyalur District.

..Respondents

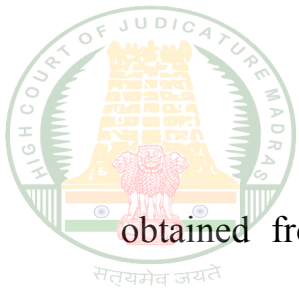
Prayer : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of writ of certiorarified Mandamus, calling for the records of the respondent in relation to the proceedings issued in Na.Ka.No.133/2021-2022 dated 17.12.2021 issued by the 4th respondent and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.P.E.D course continuously.

For Petitioner: Mr. R.Sasitharan

For Respondents: Mr.L.S.M.Hasan Fazil, AGP

ORDER

Aggrieved by the order passed by the 4th respondent in Na.Ka.No.133/2021-2022 dated 17.12.2021, cancelling the increment granted for the B.P. Ed Course

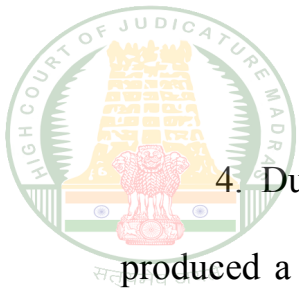


obtained from Ramakrishna Mission Vivekanatha University and consequently
refixing his pay, the present writ petition is filed.

Brief facts of the case:

2. The petitioner was appointed as a Physical Education Teacher at Government Higher Secondary School, Alanthur, Thanjavur, on 12.10.2007, as per the order of the Chief Educational Officer, Thanjavur District, dated 10.10.2007. The petitioner completed a three-year B.Lit course in Tamil at Annamalai University and has 14 years of work experience. For the post of Physical Education Teacher, the petitioner completed the B.P.Ed short-term course offered by Ramakrishna Mission Vivekananda University. Based on this qualification, the petitioner was granted an incentive increment from 29.05.2010. However, after a period of 10 years based on audit objection, the 4th respondent passed an order on 17.12.2021, directing the petitioner to refund the excess amount drawn over the 10 years. Challenging the same, the present writ petition is filed.

3. The respondents have filed a detailed counter affidavit justifying the impugned order passed by the 4th respondent.

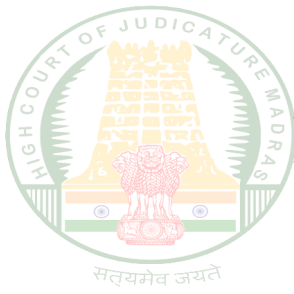


4. During the course of arguments, the learned counsel for the petitioner produced a copy of the order passed by this Court in W.P.No. 146 of 2019 dated 06.01.2025, and submitted that this Court while considering identical issue in the said writ petition, allowed the same directing the respondent to grant incentive increment to the petitioner in that writ petition in light of G.O. (Ms) No. 106, School Education (SE3(1) Department, dated 16.06.2022. The learned counsel for the petitioner further submitted the said order of this Court squarely applies to the facts of the case on hand, and therefore the same order may be passed in the present writ petition.

5. Learned Additional Government Pleader appearing for the respondent did not dispute the order passed in W.P.No. 146 of 2019, dated 06.01.2025.

6. I have perused the Government Order issued in G.O.(Ms) No. 106, School Education [SE 3(1)] Department, dated 16.06.2022 and the order of this Court made in W.P. No. 146 of 2019, dated 06.01.2025. In the said writ petition, this Court, after considering the submissions made by the respective learned counsels, issued the following directions to the respondent authorities in paragraph nos. 6 to 8, which reads as follows;

“6. Having heard the submissions of the respective learned counsel and on perusal of the material available on record, the only ground to issue impugned proceedings by the



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respondents to cancel the incentive increment granted to the petitioner and to direct to refund the amount paid by the petitioner towards the incentive increment is that the B.P.Ed Degree possessed by the petitioner through Ramakrishna Mission Vivekananda University at Coimbatore is not equivalent to B.P.Ed Degrees offered by the other Universities. But as of now, the Government issued G.O.(Ms) No.106, School Education (SE3) (1) Department dated 16.06.2022, considering the recommendations of the 15th Equivalence Committee, stating that the B.P.Ed Degree possessed by the petitioner is equivalent to the B.P.Ed Degrees offered by other Universities. In the said G.O., it was categorically stated that those candidates who have been admitted and completed the B.P.Ed Courses during the years 2009, 2010 & 2011 are entitled for the said benefit.

7. In view of the above, in the considered opinion of this Court, the orders impugned in this Writ Petition are liable to be set aside.

8. Accordingly, this Writ Petition is disposed of, with the following directions:

(i) the impugned orders issued in Na.Ka.No.165 of 2014 dated 16.12.2014 and in Na.Ka.No.10 of 2015 dated 22.01.2015 and Na.Ka.No.61 of 2018 dated 03.10.2018 by the 4th respondent are hereby set aside.

(ii) the respondents are directed to grant incentive increment to the petitioner for acquiring B.P.Ed Degree in light of G.O.(Ms) No.106, School Education(SE3(1) Department dated 16.06.2022.

No costs. “

7. As the facts and issues raised in this case are identical to the facts and issues in W.P. No. 146 of 2019 dated 06.01.2025, I am of the view that the order passed in W.P.No. 146 of 2019 dated 06.01.2025 squarely applies to this case. Ergo, the impugned order dated 17.12.2021 passed by the 4th respondent is set aside. The respondents-authorities are directed to consider the case of the petitioner in light of



the decision of this Court cited supra and pass orders granting incentive increment to the petitioner for acquiring B.P.Ed Degree. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

8. In the result, the writ petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

18-03-2025

Index :Yes/No
Internet : Yes/No
Neutral Citation : Yes/ No
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