



W.P.No. 8566 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 09.04.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.8566 of 2025

Dr. V. Dhanapalan

... Petitioner

VS

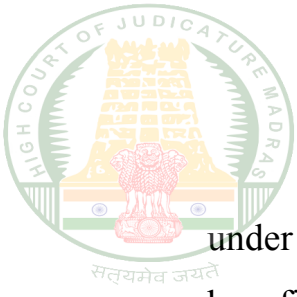
1. The Principal Secretary
Higher Educational Department
Floor VI, Namakkal Kavingar Maligai
Fort St. George, Chennai 600 009.

2. The Commissioner of Technical Education,
Directorate of Technical Education,
Sardar Patel Road,
Guindy, Chennai 600 025.

3. The Pay and Accounts Officer,
Officer of the Principal Accountant General,
361, Anna Salai, Teynampet
Chennai 600 018

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or order of direction in the nature of a writ directing the 2nd respondent to issue the petitioner a new pay authorization slip with three non compounded advance increments sanctioned for Ph.d Degree with effect from 02.11.2014



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under 6th pay AICTE scales and revised pension Slip with other benefits under 7th pay ACITE scales.

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For Petitioner : Mr. S. Doraisamy

For Respondents : Mr. C. Jayaprakash
Government Advocate

ORDER

This Writ Petition has been filed in the nature of a Mandamus seeking a direction against the second respondent, the Commissioner of Technical Education, Directorate of Technical Education, Chennai, to grant new pay authorisation slip with three non compounded advance increments sanctioned for Ph.D degree with effect from 02.11.2014 under 6th pay AICTE scales and revised pension slip with other benefits under 7th pay AICTE scale for the petitioner.

2. In the affidavit filed in support of the writ petition it had been stated that the petitioner had joined as an Associate Lecturer in Mathematics by an order of the second respondent on 13.01.1984. His pay was fixed according to the pay band IV in accordance with VI AICTE pay scales. His designation was changed to Associate Professor



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and there was no compulsion for obtaining Ph.D degree. However, the petitioner had obtained Ph.D degree after obtaining permission from the second respondent from Anna University and completed it on 03.11.2014. The petitioner claims that he had not been paid any advance incentive increment for completing Ph.D. degree. It is under those circumstances the writ petition has been filed seeking examination of representation given by the petitioner.

3. The learned counsel for petitioner placed reliance on the order of a single Judge dated 19.01.2023 in W.P.(MD) No.25892 of 2019 (P.S.Boopathy Manickam vs. The Thiagarajar College of Engineering and another), wherein the learned single Judge while examining the similar issue had held thus:

"6. Based on the aforesaid clarification, now it is clear that the said Ph.D. degree is necessary for incentive increment only for the persons who have acquired the said degree after 04.01.2016. Since the petitioner has completed prior to the said date that is on 29.07.2006, the petitioner is entitled to the said increment for higher education. This clarification was not brought to the knowledge of the 2nd



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respondent. Pending writ petition, the AICTE has clarified this issue. Therefore the 2nd respondent is directed to consider the case of the petitioner in the light of the clarification issued by the All India Council for Technical Education (AICTE) in vide Notification dated 20.05.2020 in F.No.27-4/AICTE/ RIFD/Pay Scale/2018-2019 and repay the deducted amount within a period of four weeks from the date of receipt of the copy of the order.

7. However, this issue has affected several persons and hence this Court is of the considered opinion that the government ought to issue government order, so that the issue is settled without any further litigations. Therefore this Court is directing the 2nd respondent to place the issue before the Secretary to the Government, Higher Education including Technical Education and in turn the Secretary to Government shall issue a government order in consonance with the clarification of AICTE issued in vide Notification dated 20.05.2020 in F.No.27-4/AICTE/ RIFD/Pay Scale/2018-2019 and the said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. "



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4. Heard the learned Government Advocate appearing for the respondents.

5. It is contended that the petitioner is seeking advance increment for completion of Ph.D. degree. It is contended by the learned Government Advocate that the respondents would examine the eligibility of the petitioner to be granted with additional advance increment for completion of Ph.D degree. If it is found that the petitioner is eligible, then necessary orders would be passed in that regard.

6. In view of the submissions made by either side counsels, a Mandamus is issued directing the respondents to examine the service records of the petitioner and examine whether his claim for grant of additional incentive for obtaining Ph.D. degree should be granted or not granted. It may be considered on the basis of the judgment of the learned Single Judge extracted above, wherein it had also been mentioned that the *AICTE* has also clarified the issue by notification dated 20.05.2020 and that those who had obtained Ph.D degree even prior to 04.01.2016 are entitled for increment for the said higher qualification. Necessary



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orders in this regard may be passed within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of.

No costs.

09.04.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

Bga

To

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