



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.04.2025

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.11409 of 2025

M.Chitradevi

.. Petitioner

Vs.

1.The Regional Accounts Officer (Audit),  
Department of School Education,  
Coimbatore – 641 001.

2.The Director,  
Director of School Education,  
Chennai – 600 006.

3.The District Educational Officer,  
Villupuram,  
Villupuram District – 606 604.

4.The Headmaster,  
Government Girls Higher Secondary School,  
Kedar,  
Villupuram District – 605 402.

.. Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from initiating any action to recover the payment of the Incentive Increments paid to the petitioner for having qualified M.Phil., degree granted by the Vinayaka Mission University in the year 2009 and



consequently direct the respondents 1 to 4 to continue to pay the Incentive Increment to the petitioner in the light of the order passed in the case of S.Sivan Vs. The Regional Accounts Officer & Ors., W.A.No.2328 of 2018 & Batch, dated 04.08.2023 and in the case of D.Anusuya and 14 ors V. The Regional Accounts Officer (Audit) & Ors., W.P.No.21605 of 2019 dated 20.06.2024.

For Petitioner .. Mr.G.Sankaran, Senior Counsel  
For Mr.S.Ananth

For R1 to R4 .. Ms.S.Mythreye Chandru, SGP

### **ORDER**

This Writ Petition has been filed in the nature of a Mandamus seeking a restraint against the respondents from initiating any action to recover payment of incentive increment paid to the petitioner for having obtained M.Phil degree by the Vinayaka Mission University in the year 2009. The petitioner seeks that the incentive increment granted must be paid to the petitioner.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner had joined as BT Assistant Teacher on 01.07.2004



and services were regularized on 01.06.2006. The petitioner was promoted as B.T Assistant (Physics) on 16.08.2017. The petitioner had obtained M.Phil degree in the academic year 2007 - 2008 and completed the degree in June 2009 in Vinayaka Mission University (Directorate of Distance Education) Salem. On the basis of such qualification, the petitioner was paid with incentive increment. But subsequently, it was discontinued and the petitioner has filed the writ petition restraining the respondents from initiating any recovery proceedings and to direct the respondents to continue to pay the salary with incentive increment.

3.In this connection, the learned Senior Counsel for the petitioner placed reliance on an earlier order passed by a learned Single Judge of this Court in ***W.P.No.21605 of 2019, D.Anusuya and 14 Ors V. The Regional Accounts Officer (Audit) & Ors***, wherein by an order dated **20.06.2024**, the learned Single Judge had observed and held as follows:

*“All the petitioners herein were appointed as B.T Assistant and working in the respondents Schools. While so, they acquired M.Phil., Degree from the Vinayaka Missions University during the years 2007-2009 and accordingly made a claim for award of*



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*'Incentive Increment' for having acquired higher qualification and accordingly, all the petitioners were awarded with 'Incentive Increment'. However, there appears to be an audit objection raised on award of such 'Incentive Increment' for the M.Phil., Degree acquired by the petitioners from the Vinayaka Missions University and in view of the same, when the respondents proposed to stop the payment of such 'Incentive Increment', the petitioners approached this Court by filing the present Writ Petition.*

*2. By virtue of an interim order dated 25.07.2019 passed by this Court, the petitioners continue to draw such 'Incentive Increment' as on date. In response to the notice issued by this Court, the Respondent No.5 filed a counter-affidavit, wherein it is stated that the M.Phil., Degree acquired by the petitioners are all invalid in view of the fact that the Vinayaka Missions University is not authorized to conduct courses through 'Distant Education mode' and it is also further stated that this Court has already decided the said issue in W.P.No.42675 of 2016 and batch by an order dated 06.09.2018.*

*3. The relevant paragraph, i.e., Paragraph No.8 of the counter-affidavit reads as under:-*

*“ 8. It is submitted that the Teachers cannot acquire degrees from open universities. From unrecognized universities or unrecognized courses conducted by the recognized universities cannot be considered for grant of incentive increment. At the*

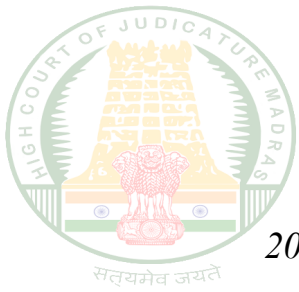


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*outset, the degrees granted only in accordance with law alone can be taken into account for the purpose of granting incentive increment, failing which the very object of grant of incentive increment would be defeated. The M.Phil possessed by the writ petitioners are invalid one in view of the fact that Vinayaka Missions University is not authorized to conduct courses through distance education mode. The Hon'ble High Court in batch of writ petitions by an order dated 06.09.2018 in WP.Nos.42675 to 42687 and 42689 of 2016 observed that in this view of the matter, this Court is of the opinion that the writ petitioners are not entitled for grant of any incentive increment for the qualification of M.Phil degree obtained by them from the 5th respondent/Vinayaka Mission University, which are not approved.”*

*4. However, it is brought to the notice of this Court by learned counsel for the petitioners that the very same issue as to whether the persons who acquired M.Phil., Degree from the Vinayaka Missions University during the years 2007-2009 are entitled for award and continuance of payment of 'Incentive Increment' or not? has fallen for consideration before a learned Division Bench of this Court in W.A.No.2328 of 2018 and batch and the learned Division Bench by an order dated 04.08.2023 held that the Teachers who acquired M.Phil., Degree during the years*



*2007-2009 from the Vinayaka Missions University are entitled to draw the 'Incentive Increment'.*

*5. This Court has perused the said order passed by the learned Division Bench, wherein the very same issue was considered and the learned Division Bench held as under:-*

*“ 35. In the result, the following orders are passed in these writ appeals: That the impugned order passed by the writ Court dated 06.09.2018 is set aside. As a sequel, the impugned order that was challenged before the Writ Court in the respective petitions is also set aside to the extent that those teachers who had studied in the Vinayaka Mission's University during the relevant point of time i.e., 2007 to 2009 since had acquired the qualification during the period which the University also enjoyed the approval or recognition from the DEC, IGNO, the said objection raised by the audit Department would not be sustained. Therefore, on that ground, the incentive increment already allowed to these teachers need not be disturbed. If the increment already been allowed to these teachers have been cancelled or stopped by virtue of the order, which is impugned herein, the same shall be restored and the arrears to that effect shall be calculated and be paid to the teachers/appellants. To that extent, all these writ*



*appeals are allowed. No costs. Connected miscellaneous petitions are closed.”*

*6. In the light of the above and also in the light of the undisputed fact that the petitioners herein have acquired the M.Phil., Degree during the years 2007-2009 are also entitled for award and continuance of such 'Incentive Increment' for having acquired M.Phil., Degree.*

*7. As the 'Incentive Increment' that was awarded in favour of the petitioners is being continued to be paid to the petitioners by virtue of the interim orders, the respondents are directed to continue such 'Incentive Increment' to all the petitioners for having acquired M.Phil., Degree during the years 2007-2009 from the Vinayaka Missions University.*

*8. Accordingly, the Writ Petition is allowed. No costs. Connected Miscellaneous Petitions, if any shall stand closed.”*

4.It is seen that the petitioners therein had also completed their M.Phil degree during the years 2007 - 2009 and the learned Single Judge had made it very categorical, that they were entitled to draw incentive increment. The Division Bench had also granted the same relief.

5.In view of the orders passed as above, I hold that the petitioner is also entitled to receive such incentive increment and restraint is granted



against the respondents from recovering the same. A direction is issued that the petitioner must be continued to pay the incentive increment.

Accordingly, this Writ Petition stands allowed. No costs.

07.04.2025

Index: Yes/No  
Internet: Yes/No  
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**C.V.KARTHIKEYAN,J.**



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