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W.P.Nos.25075 and 25080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Nos.25075 and 25080 of 2025

And

W.M.P.Nos.28247, 28250, 28255 and 28258 of 2025

M.Sathya

... Petitioner in W.P.25075/2025

R.Gnanammal

... Petitioner in W.P.25080/2025

Vs.

1.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Divisional Accounts Officer,
Directorate of School Education,
School Education Department,
Aringar Anna Maligai,
Thallakulam,
Madurai – 625 002.

... Respondents in both the W.Ps.

3.The District Educational Officer,
Office of the District Educational Officer,
Lalgudi,
Tiruchirappalli District – 621 601.

4.The Headmaster,
Government Higher Secondary School,
Senappanallur, Thuraiyur Taluk,
Tiruchirappalli District – 621 001.

... Respondents in W.P.25075/2025



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3.The District Educational Officer (Secondary),
Office of the District Educational Officer (Secondary),
1st Floor, Old Collectorate Building,
Collectorate Campus,
Virudhunagar,
Virudhunagar District – 626 001.

4.The Headmaster,
Government High School,
Irunchirai, Thiruchuli Taluk,
Virudhunagar District – 626 612.

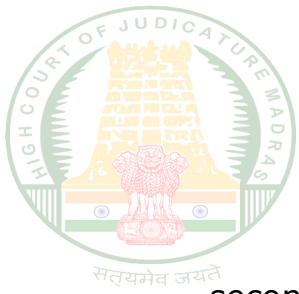
... Respondents in W.P.25080/2025

Prayer in W.P.No.25075 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the second respondent in proceedings having Ref.No.Na.Ka.No.1259/A7/2018 dated 16.05.2018 raising audit objection to the grant of incentive to the petitioner who is working as B.T. Assistant in the Government Higher Secondary School, Senappanallur, Tiruchirappalli District for the M.Phil Degree obtained and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 29.09.2014 and quash the same as arbitrary and consequently direct the first respondent to pay the arrears of incentive amount from 01.04.2021 and to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree as per G.O.(1D)No.18 dated 18.01.2013 along with petitioner's salary.

Prayer in W.P.No.25080 of 2025:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the



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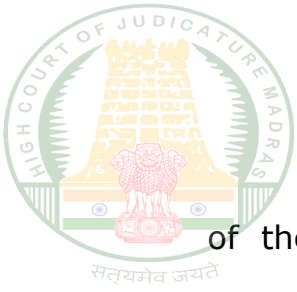
second respondent in proceedings having Ref.Na.Ka.No.1163/A9/2021 dated 03.05.2021 raising audit objection to the grant of incentive to the petitioner who is working as BT Assistant in the Government High School, Irunchirai, Virudhunagar District for the M.Phil Degree obtained and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 18.01.2013 and quash the same as arbitrary and consequently direct the first respondent to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree as per G.O.(1D)No.18, dated 18.01.2013 along with petitioner's salary.

For Petitioners : Ms.C.Uma
For Respondents : Mr.S.Prabhakaran
Government Advocate

COMMON ORDER

Mr.S.Prabhakaran, learned Government Advocate takes notice on behalf of the respondents. By consent, the writ petitions are taken up for final disposal at the admission stage itself.

2.The writ petitions have been filed seeking to quash the order of the second respondent dated 16.05.2018 and 03.05.2021 respectively, raising audit objection to the grant of incentive to the petitioners who are working as B.T. Assistants in the Government School for the M.Phil Degree obtained by them and ordering recovery



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of the incentive granted to the petitioners and to direct the first respondent to continue to pay incentive amount to the petitioners for having acquired M.Phil Degree as per G.O.(1D)No.18 dated 18.01.2013 along with petitioner's salary.

3.The learned counsel appearing for the petitioners would submit that the increment granted to the petitioners for acquiring M.Phil qualification was subsequently withdrawn vide order dated 16.05.2018 and 03.05.2021 respectively, on the sole ground that the petitioners obtained such degree from Vinayaka Missions University which was not recognized to give M.Phil degree.

4.The learned counsel appearing for the petitioners would further submit that the issue is no longer *res integra* where the Hon'ble Division Bench of this Court in W.A.Nos.2328 of 2018 etc., batch dated 04.08.2023 in S.Sivan Vs. The Regional Accounts Officer (Audit), Department of School Education, Coimbatore – 641 001 has held that M.Phil degree from Vinayaka Missions University at Salem through distance mode is equally a valid degree. She would also rely upon the following paragraphs of the said judgment:

"33. In this context, the learned



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Government Pleader appearing for the State has relied upon the G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 and has stated that the Government by the said G.O, declared that the M.Phil and Ph.D degree obtained through the correspondence or Distance Education or Open University system are ineligible for Government appointments and appointment as lecturers in colleges or Universities including self-financing colleges, therefore the import of the said G.O.Ms.No.91, dated 03.04.2009 if it is implemented that will stand in the way for extending the benefit of advance incentive increment to the teachers.

34. However, the said submission made by the learned Government Pleader is liable to be rejected because, the said G.O has only mentioned about the eligibility for a person to get employment. Here, the teachers, as per earlier qualification acquired already, been appointed as teachers or lecturers and the benefit now questioned is only the grant of advance incentive increment for having acquired the higher qualification. Therefore, the G.O.Ms.No.91 dated 03.04.2009 issued by the Higher Education Department does not deal with anything about the allowing of advance



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incentive increment to the teachers, who acquired higher qualification, therefore, that argument made by the learned Government Pleader also is to be rejected and accordingly, it is rejected.

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



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the teachers/appellants. To that extent, all these writ appeals are allowed. No costs. Connected miscellaneous petitions are closed."

5.At this juncture, the learned Government Advocate would also submit that the above proposition was settled by this Court and the issue is no longer *res integra* in view of the above Hon'ble Division Bench judgment.

6.Therefore, this Court is of the firm view that the impugned order is in contravention to the judgment of the Hon'ble Division Bench in S.Sivan's case. Hence, the impugned orders dated 16.05.2018 and 03.05.2021 respectively, are quashed.

7.In the result, the writ petitions are allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No



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C.KUMARAPPAN,J.
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