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W.P No.26949 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.26949 of 2025

and

Writ Miscellaneous Petition No.30261 of 2025

A.Helan Mercial

... Petitioner

..Vs..

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

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

3.The Chief Educational Officer,
Town Hall, Coimbatore,
Coimbatore District – 641 001.

4.The Headmaster,
Corporation Higher Secondary School,
North Coimbatore,
Coimbatore District – 641 012.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records of



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the 4th respondent having Ref.No.Na.Ka.No.79/2021-2022, dated 07.02.2022 directing the petitioner to remit the sum of Rs.8,25,305/- based on audit objection dated 31.10.2019 and quash the same and consequently direct the Chief Education Officer, Coimbatore, the 3rd respondent herein to refund the sum of Rs.8,25,305/- remitted by the petitioner on 07.02.2022 into the account of the 4th respondent through cheque No.240113, dated 07.02.2022 drawn on Canara Bank into the Treasury Branch of State Bank of India along with interest at 9% calculated from the date of remittance till date of refund.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
For M/s.C.Uma

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

ORDER

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. The instant writ petition has been filed challenging the impugned order dated 07.02.2022 by which a sum of Rs.8,25,305/- has been recovered from the petitioner on the ground that the incentive granted to her, based on the M.Phil degree obtained from Sri Vinayaga Mission's University was not valid as the degree is not recognized.

3. The learned Senior Counsel for the petitioner submitted that in



W.P.No.42675 of 2016 by order dated 06.09.2018, this Court held that the

M.Phil degree obtained from Sri Vinayaga Mission's University is not a recognized qualification and, accordingly directed the respondent authorities to recover any increment paid to the teachers based on such a degree. The learned Senior Counsel also invite the attention of this Court about the Writ Appeal filed against the order in W.P.No.42675 of 2016 in a batch of cases, including ***W.A.No.2328 of 2018 in S.Sivan vs. The Regional Accounts Officer, Coimbatore and 5 Others, dated 04.08.2023***, wherein the Hon'ble Division Bench, by order dated 04.08.2023 made the following observation in paragraph 35:

“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*



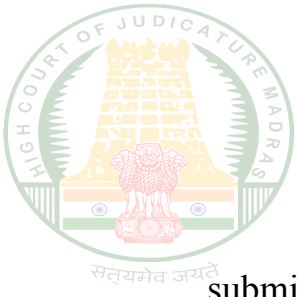
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approval or recognition from the DEC, IGNO, the said objection raised by the audit Department would not be sustained. Therefore, on that ground, the incentive increment already allowed to these teachers need not be disturbed. If the increment already 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.”

4. In view of the above Division Bench Judgment, it is evidently clear that the M.Phil degree obtained from Sri Vinayaga Mission's University during the period 2007 – 2009 is a valid degree. In the case on hand, the petitioner obtained the degree in June 2008, and therefore, it is contended that the petitioner's case falls squarely within the scope of the Hon'ble Division Bench Judgment. Hence, the petitioner prays for a refund of the amount that was recovered.



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5. The learned Special Government Pleader strongly opposed the above submission, contending that there has been an inordinate delay in filing the present application. It is further contended that the recovery was carried out in accordance with the applicable rules at the relevant time, and therefore, the petitioner is not entitled to get any relief.

6. I have given my anxious consideration to either side submissions and also perused the materials available on record.

7. While looking at the impugned order, it is evident that the recovery was ordered solely on the ground that the M.Phil degree obtained by the petitioner was not recognized. The respondent had arrived at such conclusion based upon the order passed in W.P.No.42675 of 2016. However, as rightly pointed out by the learned Senior Counsel, that order was subsequently reversed by the Division Bench of this Court in the batch of writ appeals, including W.A.No.2328 of 2018 by order dated 04.08.2023, wherein M.Phil degrees obtained from Sri Vinayaga Mission's University during the period 2007-2009 are valid, as the University had approval and recognition from the DEC and IGNO during that time. Therefore, the foundation for the recovery



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has been subsequently challenged and set aside by the Division Bench of this Court. In view of the same, this Court is of the opinion that the recovery order dated 07.03.2022 is liable to be interfered with and accordingly, the same is quashed.

8. In the result, the writ petition is allowed. The impugned order is set aside. As a sequel, the respondent is directed to refund the said amount to the petitioner within a period of three (3) months from the date of receipt of a copy of this order, without any interest. No costs. Consequently, the connected miscellaneous petition stands closed.

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Index : Yes

Speaking Order : Yes /No

Neutral Citation Case: Yes/No

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C. KUMARAPPAN, J.



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