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WP No. 31316 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :08.08.2025

Pronounced on :12-09-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 31316 of 2024

AND

WMP NO. 33962 OF 2024, WMP NO. 33960 OF 2024

Dr. Maliga Chandiran
Wife Of Mr.Chandiran,
Aged About 64 Years,
No.53/58, V.N.Perumal Street,
K.M.V Nagar,
Kancheepuram - 631 501.

Petitioner(s)

Vs

1. The State Of Tamilnadu
Represented By The Secretary To
Government,
Department Of Higher Education, Fort
St.George, Chennai.

2.The Director Of Collegiate Education
Chennai – 600 010

3.Joint Director Of Collegiate
Education



Vellore Region, Vellore

4.The Interim Administrator

M/s.Pachayappa's Trust,
Pachaiyaappas College Campus,
Chennai - 30.

5.The Secretary

M/s.Pachappas Trust,
Pachaiyaappas College Campus,
Chennai – 30

6.Thiruvallur University

Represented By Its Registrar, Vellore.

7.The Senior Accounts Officer

Officer Of The Accountant General
(Accounts And Entitlements),
Tamilnadu, No.361, Anna Salai,
Chennai - 600 018

8.The Treasury Officer

KANCHIPURAM

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorari, calling for records on the file of the 7th respondent relating to the impugned communication of the 7th respondent relating to the impugned communication of the 7th respondent dated 01.02.2021 bearing Ref. No Pen 22 / 3 / pt / 9952 and quash the same as illegal and arbitrary and consequently, direct the respondents to refix the pension of the petitioner after duly effecting three incentive increments w.e.f 16.08.2011 and to pay the retrial benefits due to the petitioner based on such revised pension and to pay the arrears and to pass such further or other orders.



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For Petitioner(s) : Mr.K.Venkataramani,
Senior Counsel
for Mr.T.Sai Krishnan

For Respondent(s): Mr.C.Jayaprakash
Govt. Advocate for R1 to R3
and R8
Mr.M.R.Jothimanian
for R4 & R5
M/s.Isaac Chambers for R6
Mr. V. Vijayashankar, SC For R7

ORDER

The instant writ petition has been filed challenging the impugned order dated 01.02.2021, by and in which the 7th respondent has revised the pension of the petitioner, without taking into consideration of the entitlement of three incentive increments for obtaining Ph.D degree.

2. Heard Mr.K.Venkataramani, learned Senior Counsel appearing for Mr.T.Sai Krishnan, learned counsel for the petitioner, Mr.C.Jayaprakash learned



Government Advocate appearing for the respondents 1 to 3 and 8,

Mr.M.R.Jothimanian, learned counsel for the respondents 4 & 5, M/s.Isaac

Chambers for the 6th respondent and Mr. V. Vijayashankar, learned Standing

Counsel appearing for the 7th respondent.

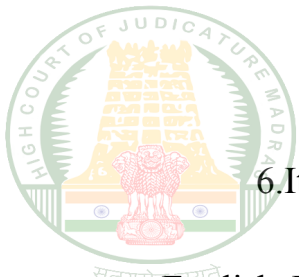
3. The learned Senior Counsel appearing for the petitioner would submit that the petitioner was appointed as the Principal of C.Kandaswamy Naidu College for Women, Cuddalore with effect from 16.12.2010. It is the further submission of the petitioner that her appointment for the post of Principal has been approved by Thiruvalluvar University and the Directorate of Collegiate Education. It is the further case of the petitioner that on attaining superannuation, the petitioner was allowed to retire from service with effect from 30.08.2019. The learned Senior Counsel for the petitioner would submit that while reviewing the pension proposal, the 7th respondent arrived at an erroneous conclusion that the petitioner is not eligible for three incentive increments for Ph.D qualification with effect from 16.08.2011, as Ph.D qualification is the essential qualification for Principal. The learned Senior



Counsel would submit that, notwithstanding the Ph.D., is essential qualification for the post of Principal, all the teaching faculties are entitled to get three incentive increments as per the Government Orders. Hence, prayed to allow the writ petition.

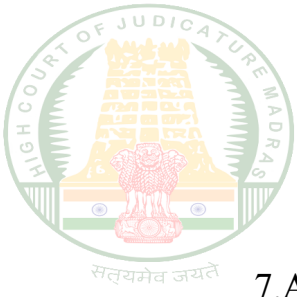
4. However, the said contention was stoutly objected by the contesting respondents qua seventh respondent on the sole ground that incentive increment will not be eligible to the candidate, if such qualification is essential qualification for the post to be occupied. The learned counsel would further contend that in the case in hand, for the post of Principal, Ph.D is the essential qualification and on the date of acquiring Ph.D, the petitioner was a Principal of the college. Therefore, the question of granting of incentive increment does not arise. Hence, he would contend that there are no grounds to interfere with the impugned order.

5. I have given my anxious consideration to either side submissions.



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6. It is not in dispute that the petitioner was appointed as lecturer in English Department in M/s.Pachaiyappa's College, Chennai in the year 1990 and thereafter transferred to Pachaiyaappa's College of Women, Kanchipuram, in the year 1993. It is further not in dispute that the petitioner was appointed as a Principal on 15.12.2010, and that the said appointment was conditional appointment as she has to qualify Ph.D., within a period of 6 years as stipulated in the terms of G.O(Ms).No.345, Higher Education(H1) Department, dated 03.10.2005. It is equally not in dispute that such appointment was approved by the Director of Collegiate Education on 09.06.2011. Similarly, it is further not in dispute that the Joint Director of Collegiate Education, has issued a letter dated 10.11.2020 to the Pension Assessing Authority(Accountant General(A&E), Teynampet, Chennai) to release the pension. Based on such recommendation, the petitioner was sanctioned with pension and commuted value of pension. However, by the impugned order dated 01.02.2021 under Reference No.Pen 22/3/pt 9952, the respondents reviewed the pension proposals and has revised the pension downwards from Rs.1,00,605/- to Rs.92,055/-. As a sequi for commuted pension were also proportionately revised.



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7. According to the seventh respondents, since Ph.D is the prescribed essential qualification for the post of Principal, three incentive increments for acquiring Ph.D., is in contravention to G.O(Ms) No.350 dated 09.09.2009. According to the above G.O., the serving teachers who completed their Ph.D shall be entitled to three non-compounded increments if such Ph.D., is in the relevant discipline and is an additional qualification. For ready reference, this Court deems it appropriate to extract Appendix-II of G.O.(Ms)No.350 dated 09.09.2009:

**“Incentives for Ph.D/M.Phil and other higher qualification
of the teachers in universities/Government colleges/aided
colleges:**

(i) Five non-compounded advance increments shall be admissible at the entry level of recruitment as Assistant Professor to persons possessing the degree of Ph.D., awarded in the relevant discipline as an additional qualification by a university following the process of registration, coursework and external evaluation as prescribed by the UGC. If Ph.D is prescribed as an essential qualification for the post, no incentive increment shall be given. Further, incentive increments shall be given only for one Ph.D.

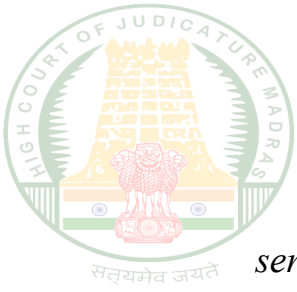


Additional Ph.Ds would not entitle a person for additional incentive increments.

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(ii) M.Phil degree holders at the time of recruitment to the post of Assistant Professor shall be entitled to two non-compounded advance increments subject to the condition that the M.Phil, awarded is in the relevant discipline and is an additional qualification. If M.Phil, is prescribed as an essential qualification for the post, no incentive increment shall be given. If any person is also a Ph.D degree holder for which he is eligible for incentive increments as in (I) above, then he would not be eligible for incentive increment from possessing M.Phil. Further, incentive increment would be restricted for one M.Phil. Additional M.Phils would not entitle a person to claim additional incentive increments.

(iii) Those possessing Post Graduate degree in a professional course such as LL.M/M.Tech etc., recognized by the relevant Statutory Body/Council, shall also be entitled to two non-compounded advance increments at the entry level subject to the condition that the Professional Course awarded is in the relevant discipline and is an additional qualification. If the Professional Course is prescribed as an essential qualification for the post, no incentive increment shall be given. Further, the person should not have claimed any incentive increment due to his possessing a Ph.D or M.Phil for claiming incentive for the Professional Course.



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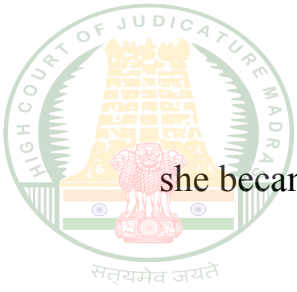
(iv) Teachers who complete their Ph.D., degree while in service shall be entitled to three non-compounded increments if such Ph.D., is in the relevant discipline awarded by an University which has been notified by UGC and is an additional qualification. If Ph.D is prescribed as an essential qualification for the post, no incentive increment shall be given. This would not be eligible if a person has got incentive increments fro Ph.D., in any other relevant discipline.

(v) Teachers in service who have been awarded Ph.D., at the time of coming into force of this Scheme shall be eligible for incentive only if the Ph.D., has been awarded by an University which has been notified by UGC.

(vi) Only on award of Ph.D., the teachers are entitled for three non-compounded increments.”

8. While looking at Clause-I, it deals about the providing increment at the entry level, similarly Clause-II also deals about the increment for Ph.D., at the time of recruitment. It is also relevant to refer Clause-IV. According to the above clause, it deals about the teachers in service, and mentioned that if Ph.D., is an essential qualification for the post, no incentive increment shall be given.

However, if such teacher acquired Ph.D in any other relevant discipline, then



she became eligible to have an incentive.

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9. Now, the point urged by the learned counsel for the seventh respondents is that Ph.D is an essential qualification for the post of Principal. But in the case in hand, by following G.O(Ms)No.345, dated 03.10.2005, the petitioner was promoted as Principal with a condition that she has to complete her Ph.D within a period of six years from the date of appointment. Therefore, on the date of her promotion, Ph.D was not an essential qualification.

10. According to G.O(Ms)No.345 dated 03.10.2005, if a person had appointed as a lecturer prior to 01.01.1996, they need not acquire Ph.D for promotion to the post of Principal, but, they have to acquire Ph.D within a period of six years. Therefore, apparently, on the date of considering her, for the post of Principal, Ph.D was not at all an essential qualification. But whereas the lecturers, who were appointed on or after 01.01.996, for them to be promoted as Principal, Ph.D., become mandatory pre-requisite qualification. For ready reference, this Court deems it appropriate to extract Clause 'c' and 'd' of



G.O(MS) 345:

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“(c)For those who have more than 6 years of service, they should acquire Ph.D., qualification within 6 years period from the date of issue of this order, failing which he or she will not be considered after 6 years period for the post of Principal.

((d)In respect of Lecturers appointed on or after 01.01.1996, the pre-requisite qualification of Ph.D for promotion as Principal is mandatory.”

11. According to Clause-c and 'd', though Ph.D., is essential qualification for the post of Principal, now we are only considering the case of incentive increment for acquiring Ph.D qualification, and not about the promotion. At this stage, it is essential to state that, the teacher who already getting increments for the Ph.D qualification, on promotion to the post of Principal are not denied the same, in spite of the fact that Ph.D is essential qualification. Therefore, denying such right to the similarly situated person like these petitioner's/lecturers, since because the Government has given concession upon them to get Ph.D., degree



within a specified date, amounts to discrimination. Therefore, this Court is of the view that though Ph.D., is an essential qualification for the post of Principal, that does not deny the petitioner to get her three incentive increment for acquiring Ph.D.

12. Furthermore, to understand the pay matrix of a Principal, it is appropriate to refer G.O(Ms)No.145, dated 06.07.2018. In the above G.O(Ms) while considering the pay scale of the Principal, it has been determined as follows:

“(C) Pay Scales for Principals in Colleges

The pay of Principals in Under Graduate and Post Graduate Colleges shall be:

(i) Principal of Under Graduate Colleges:

The pay of Principals shall be equivalent to the pay of Associate Professor i.e., Academic Level 13A with rationalized entry pay of Rs.1,31,400/- with the existing special allowance of rs.2000/- p.m.

(ii) Principal of Post Graduate Colleges:-

The pay of Principals shall be equivalent to the pay of Professor i.e., at Academic Level 14 with rationalized entry pay of Rs.1,44,200/- with the existing special allowance of Rs.3,000/- p.m.



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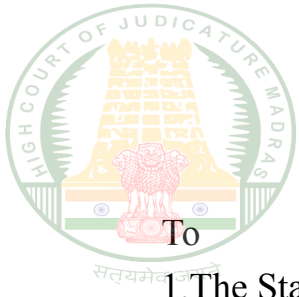
13. It only refers that the pay of the Principal is equivalent to the Professor and no separate pay matrix provided. Therefore, when there is no separate pay matrix for the post of Principal and have been construed as Professors, naturally they are eligible to get three incentive increments since on the date of promotion Ph.D was not essential qualification for the petitioner in view of conditional promotion. Hence, this Court is of the view that the impugned order dated 01.02.2021 is liable to be interfered with.

14. In the result, this writ petition is allowed and the impugned order dated 01.02.2021 is hereby quashed. The respondents are directed to re-fix the pension of the petitioner, after duly effecting three incentive increments with effect from 16.08.2011 and to pay the retiral benefits due to the petitioner based on such revised pension and to pay the arrears within a period of three (3) months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected WMPs are also closed.

12-09-2025*kmi/Ns*

Index: Yes/No

Neutral Citation: Yes/No



To

1.The State Of Tamilnadu

Represented By The Secretary To
Government, Department Of Higher
Education, Fort St.George, Chennai.
Chennai

2.The Director Of Collegiate Education
Chennai - 10

3.Joint Director Of Collegiate
Education

Vellore Region, Vellore

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College Campus, Chennai - 30

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