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W.P. No.37624 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.10.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. No.37624 of 2025

and

W.M.P. Nos.42103, 42104 and 42105 of 2025

P. Kumar

... Petitioner

VS.

1. The Director of School Education (Personnel)
Directorate of School Education
DPI Campus, College Road,
Chennai-600 006.

2. The Divisional Accounts Officer (Audit),
Directorate of School Education,
School Education Department,
LLA Building 3rd Floor,
Big Bazaar Street, Town Hall,
Coimbatore-641 001.

3. The Chief Educational Officer,
District Collectorate Building,
3rd Floor, B Block, Vellore Arcot Road
Sathuvacheri, Vellore-632 009
Vellore District.

4. The District Educational Officer,
District Collectorate Building,
3rd Floor, B Block, Vellore Arcot Road,
Sathuvacheri, Vellore-632 009
Vellore District.



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5. The Headmaster,
Government Boys Higher Secondary School,
Latteri
Vellore District - 632 202.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling for the records of the 2nd Respondent in proceedings having Ref. No. Na. Ka. No.1633/C14/2019, dated 20.09.2019 raising audit objection to the grant of incentive to the Petitioner who is working as PG Assistant (Tamil) in the Government Boys Higher Secondary School, Letteri, Vellore District, for the M.Phil. Degree obtained through Correspondence mode and the consequential proceedings of the 5th Respondent having reference Ref. No. Na. Ka.63/2024, dated 28/11/2024 directed the Petitioner to remit the incentive granted to the Petitioner from the salary of the Petitioner from 24/02/2014 and quash the same as arbitrary and consequently direct the Respondents to continue to pay the incentive amount to the Petitioner for having acquired M.Phil. Degree through part time mode along with Petitioner's salary.

For petitioner : Ms.C. Uma
For Respondents : Mrs.S. Mythreye Chandru
Spl.Govt.Pleader(E)

ORDER

Mrs. S. Mythreye Chandru, learned Special Government Pleader (Education) takes notice for respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed to call for the records of the 2nd respondent in proceedings having Ref. No. Na. Ka. No.1633/C14/2019, dated



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20.09.2019, raising audit objection to the grant of incentive to the petitioner, who is working as PG Assistant in the Government Boys High School, Latteri, Vellore District, for the M.Phil. degree obtained through Correspondence mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 24.02.2014 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil. degree through correspondence mode along with petitioner's salary.

3. The petitioner has pursued and obtained M.Phil. degree from Prist University, Vallam, Thanjavur, through Correspondence mode and hence, the petitioner is entitled to incentive increment for the M.Phil. degree obtained by him in March 2010. Based on the Official Memorandum issued by the UGC in the month of March 2008 and with the interest to acquire M.Phil. and Ph.D. Degrees through Distance Education, he pursued the said courses.

4. According to the petitioner, as per G.O. (1D) No.18, School Education (E2) Department, dated 18.01.2013, teachers having M.Phil. degrees acquired through Distance Education, part time mode, are eligible to get incentive in the Department of School Education of Tamil Nadu and the petitioner, having obtained the M.Phil. degree, before being appointed as BT Assistant, was rightly granted 2nd incentive for the M.Phil. degree by virtue of the above G.O.



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5. The Audit objection was raised, citing G.O.No.91, Higher Education (K2) Department, dated 03.04.2009 which disqualifies any person who has obtained the degree through Distance mode/Open University/part time, etc., to be appointed in Government service.

6. According to the petitioner, he is entitled to grant of incentive increment for the M.Phil. qualification obtained and hence, the impugned order of recovery passed by the 2nd respondent is illegal and arbitrary and liable to be set aside. The impugned proceedings of the 2nd respondent, had not been given effect to by the 5th respondent till date and no recovery has been made, and hence, it is just and necessary that a direction may be issued to the respondents not to recover the incentive increment granted to the petitioner from 24.02.2014. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

7. Heard both sides and perused the materials available on record.

8. Learned counsel for the petitioner submitted that G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 has been quashed by this Court in W.A.No.2328 of 2018, etc., (S.Sivan Vs, The Regional Accounts Officer



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(Audit), Department of School Education, Coimbatore and others), vide order dated 04.08.2023 and hence, the petitioner is eligible for grant of incentive from 24.02.2014 and no recovery shall be made in that regard.

9. This Court also heard the learned Special Government Pleader on the above aspects of the matter.

10. The petitioner has pursued M.Phil. degree from Prist University through Correspondence mode. By virtue of G.O.(1D).No.18, School Education (E2) Department, dated 18.01.2013, the petitioner was rightly granted second incentive for the M.Phil. degree. Though an Audit objection was raised citing G.O.No.91, Higher Education (K2) Department, dated 03.04.2009, the same was quashed by this Court as observed above and hence, the petitioner is entitled to grant of incentive increment for the M.Phil. qualification acquired from the date on which the petitioner become eligible.

11. In the light of the above observations, the present writ petition is allowed, setting aside the impugned order dated 20.09.2019 issued by the 2nd respondent. The respondents shall continue to pay the incentive increment to the petitioner for having acquired M.Phil. degree through part time mode, along with the petitioner's salary. No costs. Consequently, connected miscellaneous petitions are closed.



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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To

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Chennai-600 006.

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A.D. JAGADISH CHANDIRA, J.

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