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W.P.No.46573 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.46573 of 2025

And

W.M.P.Nos.51954 and 51956 of 2025

R.Mala

... Petitioner

Vs.

- 1 THE DIRECTOR OF SCHOOL EDUCATION (SERVICE DIVISION)
DIRECTORATE OF SCHOOL EDUCATION
DPI CAMPUS, COLLEGE ROAD,
CHENNAI – 600 006.
- 2 FINANCIAL ADVISOR AND THE PRINCIPAL ACCOUNTS OFFICER,
DIRECTORATE OF SCHOOL EDUCATION
DPI CAMPUS, COLLEGE ROAD,
CHENNAI – 600 006.
- 3 THE CHIEF EDUCATIONAL OFFICER,
O/O.DISTRICT EDUCATION OFFICE,
COIMBATORE DISTRICT,
COIMBATORE – 641 001.
- 4 THE HEADMASTER,
GOVERNMENT GIRLS HIGHER SECONDARY SCHOOL,
THONDAMUTHUR,
COIMBATORE – 641 109.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to



W.P.No.46573 of 2025

issue a Writ of Certiorarified Mandamus calling for the records of the proceedings of the second respondent having Ref.No.Na.Ka. No.053130/Aa.Ka.Tha/2023, dated 11.07.2023 raising audit objection to the grant of incentive to the petitioner who is working as PG Assistant in Government Girls Higher Secondary School, Coimbatore - 641 109, for the M.Phil Degree obtained without permission in distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 12.11.2013 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 along with petitioner's salary.

For Petitioner : M/s.K.Chandra
For Respondents : Ms.Mythreye Chandru
Special Government Pleader

O R D E R

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

2.The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the proceedings of the second respondent dated 11.07.2023 raising audit objection for grant of incentive to the petitioner who is working as PG Assistant in Government Girls Higher Secondary School, Coimbatore -



W.P.No.46573 of 2025

WEB COPY

641 109, for the M.Phil Degree obtained without permission in distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 12.11.2013 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 along with petitioner's salary.

3.The learned counsel appearing for the petitioner submitted that the petitioner was appointed as Junior BT Assistant in Government Higher Secondary School, Alandurai, Coimbatore District on 09.07.2004 and is presently working as PG Assistant in Government Girls Higher Secondary School, Coimbatore. The petitioner completed M.Phil Degree Course in the year 2013 from Madurai Kamaraj University after obtaining necessary permission from the Headmaster Government Higher Secondary School, Alandurai, Coimbatore, for which, incentive increment was also sanctioned to the petitioner. However, after a decade, the second respondent has issued the impugned proceedings raising audit objection for grant of incentive to the petitioner on the ground that the petitioner did not obtain permission from the Joint Director of School Education and that



W.P.No.46573 of 2025

the petitioner obtained the higher education through the distance mode and sought recovery of the amount granted to her.

4.The learned counsel appearing for the petitioner further submitted that the Headmaster of the School have the power to give permission to the Teachers working in the School for pursuing higher studies. The learned counsel further submitted that the Hon'ble Division Bench of this Court in ***W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others]*** dated ***04.08.2023*** has held that the Government Order in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 has only mentioned about the eligibility for a person to get employment and does not deal with anything about allowing of advance incentive increment to the Teachers who acquired higher qualification and prayed for allowing the writ petition.

5.The learned Special Government Pleader fairly submitted that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmaster of the School have the power to give permission to the



W.P.No.46573 of 2025

Teachers working in the School for pursuing higher studies. In the present case, the petitioner has obtained permission for pursuing M.Phil Degree from the Headmaster of Government Higher Secondary School, Alandurai, Coimbatore, however, the said fact has not been properly appreciated by the respondents.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.The petitioner was appointed as Junior BT Assistant in Government Higher Secondary School, Alandurai, Coimbatore District on 09.07.2004 and is presently working as PG Assistant in Government Girls Higher Secondary School, Coimbatore. The petitioner completed M.Phil Degree Course in the year 2013 from Madurai Kamaraj University after obtaining necessary permission from the Headmaster Government Higher Secondary School, Alandurai, Coimbatore.

8.It is equally un-disputed fact that as per the proceedings of the Director of School Education dated 12.04.2001, in Government High/ Higher Secondary Schools, the Headmaster of the School have



W.P.No.46573 of 2025

the power to give permission to the Teachers working in the School for pursuing higher studies.

9.Insofar as the issue with regard to obtaining higher degrees for getting increments is concerned, the same has been decided by the Hon'ble Division Bench of this Court in **W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others]** dated **04.08.2023** and it is useful to extract hereunder the relevant portion of the said judgment:

"33. In this context, the learned 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.



W.P.No.46573 of 2025

WEB COPY

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 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."

10.In the decision cited supra, the Hon'ble Division Bench of this Court has clearly held that 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 incentive increment to the teachers, who acquired higher qualification.



W.P.No.46573 of 2025

WEB COPY

11. In view of all the above, the writ petition is allowed. The proceedings of the second respondent having Ref.No.Na.Ka.No.053130/Aa.Ka.Tha/2023, dated 11.07.2023 is set aside. No costs. Consequently, the connected miscellaneous petitions are closed.

03.12.2025

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

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8/9



WEB COPY



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