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Writ Petition No.146 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-01-2025

CORAM

THE HONOURABLE MR JUSTICE BATTU DEVANAND

WP No. 146 of 2019

& WMP Nos.160 & 21251 of 2019

M.Murugesan
Physical Education Teacher,
S/o.Muthu, Government High School,
Thavittupalayam, Anthiyur, Erode District

Petitioner(s)

Vs

1.Government of Tamil Nadu
Rep. by its Secretary to Government, School
Education Department, Fort St.George,
Chennai-600 009.

2. The Director of School Education
College Road, Chennai-600 008

3. The Chief Educational Officer
Erode District, Erode

4. The Headmaster
Government High School, Thavittupalayam,
Anthiyur, Erode District

5. The Additional Assistant
Elementary Educational Officer,
Anthiyur Panchayat Union Anthiyur,
Erode District

Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of



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India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in relation to the proceedings issued in Na.Ka.No.165 of 2014 dated 16.12.2014 and in Na.Ka.No.10 of 2015 dated 22.01.2015 and Na.Ka.No.61 of 2018 dated 03.10.2018 by the 4th respondent and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.P.Ed Course continuously.

For Petitioner : Mr.R.Saseetharan

For Respondents : Mr.A.M.Ayyadurai, GA

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the 4th respondent in relation to the proceedings issued in Na.Ka.No.165 of 2014 dated 16.12.2014 and in Na.Ka.No.10 of 2015 dated 22.01.2015 and Na.Ka.No.61 of 2018 dated 03.10.2018 by the 4th respondent and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.P.Ed Course continuously.

2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the



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material available on record.

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3.The petitioner was initially appointed as Physical Education Teacher on 09.03.2006. Subsequently, he possessed B.P.Ed. Degree through Ramakrishna Mission Vivekananda University at Coimbatore in the year 2009. The petitioner was granted with incentive increment which contains two set of increments for acquiring B.P.Ed Degree, from 05.05.2009 and his pay was fixed at Rs.12,960/-. From 16.04.2010 onwards, the petitioner has been allowed to draw pay on the basis of the incentive increments granted. Subsequently, the audit department has raised certain objections for grant of incentive increments to the petitioner for acquiring B.P.Ed Degree and directed to refund a sum of Rs.54,041/- with other allowances to the Government account, by proceedings dated 16.12.2014. Subsequently, the 4th respondent issued proceedings revising the pay of the petitioner from Rs.12,960/- to Rs.12,220/-. Aggrieved by the said proceedings, the present Writ Petition has been filed.

4.The learned counsel for the petitioner would submit that the proceedings impugned in this Writ Petition issued for recovery and to

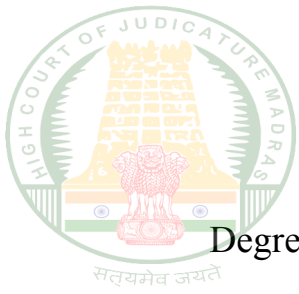


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reduce the pay of the petitioner, are illegal and liable to be set aside on the only ground of violation of principles of natural justice. He further submits that no notice was issued to the petitioner before passing the impugned proceedings. The learned counsel further submits that the reason for cancelling the incentive increment granted to the petitioner is for B.P.Ed Degree possessed by the petitioner from Ramakrishna Mission Vivekananda University at Coimbatore is not equivalent to other B.P.Ed Degrees granted by the other Universities. But the State Government has issued G.O.(Ms) No.106, School Education(SE3(1) Department dated 16.06.2022 accepting the recommendations of the 15th Equivalence Committee made in its Meeting held on 29.03.2022, wherein, the B.P.Ed Degree possessed by the petitioner is equivalent to the Degrees offered by the other Universities. Relying on the said Government Order, the learned counsel for the petitioner contends that the orders impugned in this Writ Petition are liable to be set aside by allowing the Writ Petition.

5.The learned Government Advocate appearing for the respondents would submit that at the time of passing impugned orders, the B.P.Ed Degree possessed by the petitioner is not declared as equivalent to the



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Degrees obtained from other Universities and subsequently, vide G.O.(Ms) No.106, School Education(SE3(1) Department dated 16.06.2022, it is declared that the B.P.Ed Degree is equivalent to the B.P.Ed Degrees accorded by other Universities.

6. Having heard the submissions of the respective learned counsel and on perusal of the material available on record, the only ground to issue impugned proceedings by the respondents to cancel the incentive increment granted to the petitioner and to direct to refund the amount paid by the petitioner towards the incentive increment is that the B.P.Ed Degree possessed by the petitioner through Ramakrishna Mission Vivekananda University at Coimbatore is not equivalent to B.P.Ed Degrees offered by the other Universities. But as of now, the Government issued G.O.(Ms) No.106, School Education (SE3) (1) Department dated 16.06.2022, considering the recommendations of the 15th Equivalence Committee, stating that the B.P.Ed Degree possessed by the petitioner is equivalent to the B.P.Ed Degrees offered by other Universities. In the said G.O., it was categorically stated that those candidates who have been admitted and completed the B.P.Ed Courses during the years 2009, 2010 & 2011 are



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entitled for the said benefit.

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7. In view of the above, in the considered opinion of this Court, the orders impugned in this Writ Petition are liable to be set aside.

8. Accordingly, this Writ Petition is disposed of, with the following directions:

(i) the impugned orders issued in Na.Ka.No.165 of 2014 dated 16.12.2014 and in Na.Ka.No.10 of 2015 dated 22.01.2015 and Na.Ka.No.61 of 2018 dated 03.10.2018 by the 4th respondent are hereby set aside.

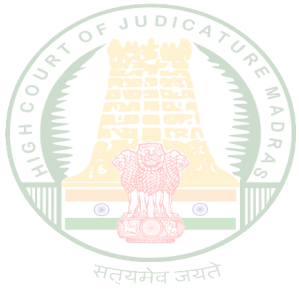
(ii) the respondents are directed to grant incentive increment to the petitioner for acquiring B.P.Ed Degree in light of G.O.(Ms) No.106, School Education(SE3(1) Department dated 16.06.2022.

No costs.

Consequently connected miscellaneous petitions are closed.

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Index : Yes/No
Speaking order: Yes/No
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To

1. Government of Tamil Nadu

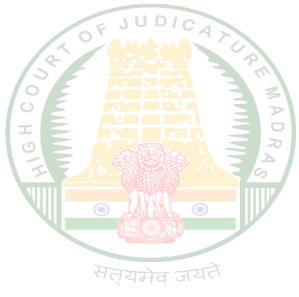
Rep by its Secretary to Government, School Education
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2. The Director of School Education
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BATTU DEVANAND, J

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