

WP(MD)No.4294 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.4294 of 2021
and
WMP(MD)No.3477 of 2021

C.Murugan

.. Petitioner

v.

1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

2.The Director of Elementary Education,
DPI Campus,
Chennai – 6.

3.The District Educational Officer,
Melur,
Madurai District.

4.The Block Educational Officer,
Madurai East Union,
Tallakulam,
Madurai – 2.

.. Respondents



WP(MD)No.4294 of 2021

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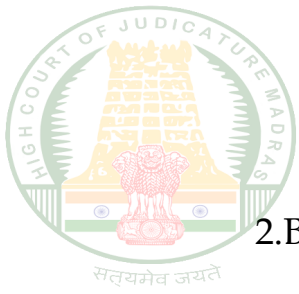
PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in Na.Ka.No.4719/Aa3/2019 dated 18.01.2020, quash the same and consequently, directing the respondents to grant incentive increment for the M.Phil course to the petitioner.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

The petitioner is working as a BT Assistant. He has obtained M.Phil degree in the year 2013 and has made a request for incentive increment. The same was rejected that this petitioner has obtained the degree through correspondence and he is not entitled for the incentive increment as per G.O.Ms.No.91, Higher Education Department, dated 03.04.2009. Challenging the same, the petitioner has filed this writ petition.

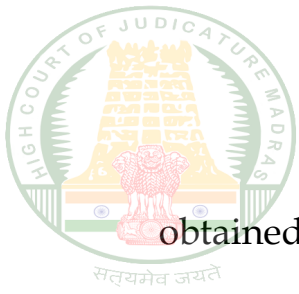


WP(MD)No.4294 of 2021

2.By this Government Order in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009, the Government has taken a decision that the M.Phil / Ph.D courses should not be offered through distance education and they should be offered only in the regular stream. The Government has also declared that M.Phil and Ph.D obtained through correspondence / distance education / Open University are ineligible for appointment as Lecturers in Colleges, Universities.

3.Even before this Government Order, a decision was taken by the Government in the Vice Chancellors' meeting that the University shall not provide M.Phil / Ph.D courses through distance education from the Academic Year 2007-08. The petitioner appears to have joined the M.Phil course in the year 2002 and obtained the degree in the year 2013.

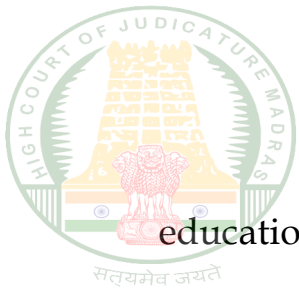
4.Learned Counsel for the petitioner submitted that the Government Order in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009, would not be applicable to the petitioner, inasmuch as he has joined the course in the year 2002, completed the course in the year 2004, however,



obtained the degree only in the year 2014. Since the petitioner has completed the course in the year 2004 itself, the condition prescribed in G.O.Ms.No.91, Higher Education Department, dated 03.04.2009, for offering M.Phil / Ph.D courses through distance education from the Academic Year 2007-08 cannot be a bar for considering his degree for incentive increment.

5.This Court is not inclined to accede with the contention of the petitioner. The Government has taken the policy decision that the courses like M.Phil / Ph.D cannot be offered by way of a correspondence course / distance education and therefore, the Government has specifically passed G.O.Ms.No.91, Higher Education Department, dated 03.04.2009. The qualification in such courses, which were obtained through distance educations, were also held to be ineligible for government appointments as Lecturers in Colleges, Universities.

6.Therefore, the petitioner cannot claim it as a matter of right based on the qualification of M.Phil, which he has obtained through distance



WP(MD)No.4294 of 2021

education for incentive agreement. Moreover, though the petitioner contended that he completed the course in the year 2004 itself, the fact remains that the petitioner has cleared the papers and obtained the degree only in the year 2014, after the issuance of G.O.Ms.No.91, Higher Education Department, dated 03.04.2009.

7.This Court is, therefore, not inclined to entertain this writ petition and accordingly, this writ petition is dismissed.

There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
gk

21.01.2025

To

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WP(MD)No.4294 of 2021

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