



W.P.(MD)No.9749 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 08.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9749 of 2025

and

W.M.P(MD)Nos.7263 and 7264 of 2025

S.Ezhilarasi

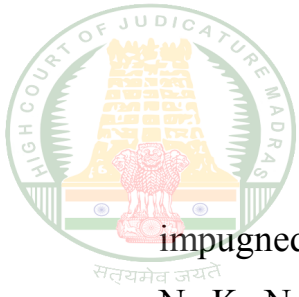
... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 09.
- 2.The Director of School Education,
College Road, Chennai - 6.
- 3.The Direct Educational Officer (Secondary),
O/o.The District Educational Officer,
Theni District
- 4.The Secretary,
Nadar Sarashwathi Girls Higher Secondary School,
Theni District - 625 531.
- 5.The Assistant Controller of Examinations,
Vinayaka Missions Unviersity,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records of the



W.P.(MD)No.9749 of 2025

impugned proceedings of the fourth respondent dated 29.08.2024 bearing Na.Ka.No.60/24 the same had been approved by the third respondent on 13.09.2024 bearing Moo.Mu.No.3864/A1/24 dated .08.2024 and quash the same and direct the fourth respondent to forward the petitioner's CPS Proposal to the respondents 1 to 3 to get the retirement benefits along with incentive increment for the M.Phil Degree obtained by the petitioner in the fifth respondents university within the time limit stipulated by this Court.

For Petitioner : Mr.R.Saravanan

For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed against the proceedings issued by the fourth respondent dated 29.08.2024 bearing Na.Ka.No.60/24, wherein it is directed to remit the amount being paid to the petitioner for incentive increment for M.Phil degree from Salem Vinayaka Mission's University, which is not recognized by the University Grants Commission, New Delhi and the Tamil Nadu Government.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.



W.P.(MD)No.9749 of 2025

WEB COPY

3. There is no dispute with regard to the facts stated in the affidavit filed by the petitioner along with the writ petition. On a perusal of the materials available on record, it appears that the only point to be considered in this writ petition is whether the respondents are entitled to recover the amount paid to the petitioner towards incentive increment for possessing M.Phil decree from Vinayaka Mission's University or not.

4. Admittedly, the issue involved in this writ petition is dealt with by this Court on several occasions.

5. The learned counsel for the petitioner had drawn the attention of this Court to the common judgment dated **04.08.2023 in WA.No.2328 of 2018 & batch**, contending that the issue raised in the present writ petition has already been decided by the Division Bench of this Court. The Division Bench while allowing the batch of writ appeals in identical circumstances, taken into consideration the notification issued by the Government Of India which has been published in Gazettee of India dated 08.04.1995 and notification issued by the Government of India on 19.08.2004, wherein the Vinayaka Missions University part of Vinayaka Mission's Research Foundation, Salem was



W.P.(MD)No.9749 of 2025

considered to be deemed to be University and as such, the approval given by the

UGC has been made clear in this proceedings.

6. The relevant paragraph 35 of the judgment is extracted herein under :-

“35. In the result, the following orders are passed in these writ appeals :-

That the impugned order passed by the writ Court dated 06.09.2018 is set aside. As a sequel, the impugned that was challenged before the Writ Court in the petitions is also set aside to the extent that those who had studied in the Vinayaka Missions-s during the relevant point of time i.e., 2007 to 2009 had acquired the qualification during the period which University also enjoyed the approval or recognition from DEC, IGNO, the said objection raised by the audit would not be sustained. Therefore, on that , the incentive increment already allowed to these need not be disturbed. If the increment already been to these teachers have been cancelled or stopped by of the order, which is impugned herein, the same shall restored and the arrears to that effect shall be calculated be paid to the teachers/appellants. To that extent, all writ appeals are allowed. No costs. Connected petitions are closed.”

7. In the present case also, the petitioner had studied in the Vinayaka Missions University during the relevant point of time and had acquired M.Phil. As such, the order of the Division Bench is squarely applicable to the facts of



W.P.(MD)No.9749 of 2025

the present cases and the objections raised by the Audit department would not

WEB sustain. Accordingly, the order impugned in this writ petition also would not sustain and it is liable to be set aside.

8. For the reasons stated above, this writ petition is allowed with the following directions :-

(i) The order impugned in this writ petition is hereby set aside.

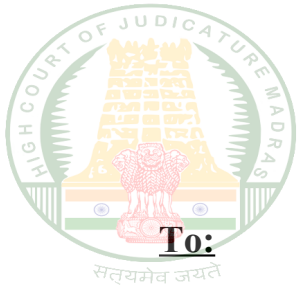
(ii) If the increment already been sanctioned to the petitioner has been cancelled or stopped by virtue of the impugned order and arrears to that effect shall be calculated and be paid to the petitioner within a period four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petitions are closed.

08.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn



W.P.(MD)No.9749 of 2025

To:

WEB COPY

- 1.The Government of Tamil Nadu,
Rep. by Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 09.
- 2.The Director of School Education,
College Road, Chennai - 6.
- 3.The Direct Educational Officer (Secondary),
O/o.The District Educational Officer,
Theni District
- 4.The Secretary,
Nadar Sarashwathi Girls Higher Secondary School,
Theni District - 625 531.
- 5.The Assistant Controller of Examinations,
Vinayaka Missions University,
Salem.



WEB COPY



W.P.(MD)No.9749 of 2025

BATTU DEVANAND, J.

Sn

W.P.(MD)No.9749 of 2025

08.04.2025