



W.P.(MD)No.11677 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.11677 of 2025

and

W.M.P.(MD).No.8627 of 2025

V.Chokkar

... Petitioner

Vs.

1. The Government of TamilNadu,
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 Finance Advisor/Principal Accounts Officer,
Director of School Education,
College Road, Chennai.

4. The Chief Educational Officer,
Collectorate Complex,
Ramanthapuram.

5. The Headmaster,
Government Higher Secondary School,
Kadaladi-623 703.

6. The Assistant Controller of Examinations,
Vinayaka Missions University,
Salem.

... Respondents



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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 impugned proceedings issued by the 5th respondent herein on 11.04.2025 bearing Na.Ka.No.42/2025 and quash the same and direct the respondents to pay the incentive increment continuously for the petitioner's M.Phil degree obtained from the 6th respondent University.

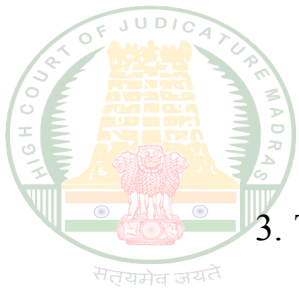
For Petitioner : Mr.R.Saravanan

For Respondent Nos.1,2,4 & 5 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed against the proceedings issued by the fifth respondent on 11.04.2025 in 42 of 2025, wherein it is directed to remit 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 and carefully perused the materials available on record.

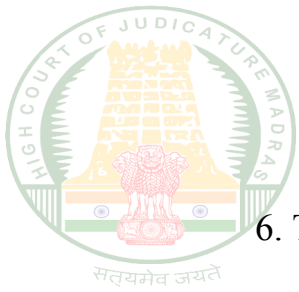


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3. There is no dispute with regard to the facts stated in the affidavit filed by the petitioner along with the writ petition. On perusal of the materials available on record, it appears that the only point to be considered in this writ petition is 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 already 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 and 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 of 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 considered to be deemed University and as such, the approval given by the UGC has been made clear in this proceedings.



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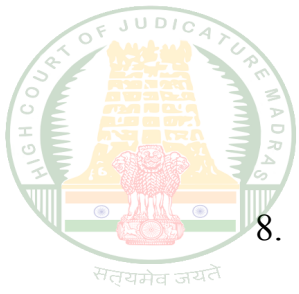
6. The relevant paragraph of the judgment is extracted hereinunder :-

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“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 he had acquired M.Phil Degree. As such, the order of the Hon'ble Division Bench is squarely applicable to the facts of the present case and the objections raised by the Audit Department would not sustain. Accordingly, the order impugned in this writ petition also would not sustain and liable to be set aside.



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8. For the reasons stated above, this writ petition is allowed with the

following directions :-

(i) The impugned order dated 11.04.2025 issued by the fifth respondent 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 to be paid to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

24.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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BATTU DEVANAND, J.

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To:

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