

WP(MD)No.18858 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.18858 of 2019

R.Ayyappan

.. Petitioner

v.

1.The District Educational Officer,
Kulithalai,
Karur District.

2.The Block Educational Officer,
Kadavoor Union,
Karur District.

.. Respondents

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 second respondent in Na.Ka.No.314/A1/2019 dated 24.05.2019, quash the same and consequently, directing the respondents to award incentive increment for petitioner's M.A., with effect from 18.05.2018 with all other attended benefits.



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WP(MD)No.18858 of 2019

For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.K.Balasubramani,
Special Government Pleader

ORDER

The petitioner is a Secondary Grade Teacher. He is said to have obtained higher qualification of M.A. degree and requested for incentive increment. His request was rejected that the petitioner has obtained simultaneous degrees in the same year. Challenging the same, the petitioner has filed this writ petition.

2.The issue in question is no longer *res integra*. A Full Bench of this Court in *R. Chitra and Others v. Member Secretary, Government of Tamil Nadu and Others* [2021 (3) CTC 369], has held that unless the dual degree obtained simultaneously by the candidate in the same Academic Year is recognized by the University Grants Commission, the candidate cannot seek any relief based on such degrees.



WEB COPY 3.Following the same, this Court in *J.Maria James and Others v.*

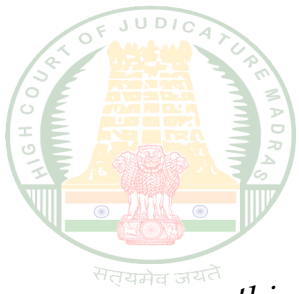
Director of School Education and Others [WP(MD)No.12357 of 2020, etc, batch, dated 24.02.2023], has held as follows:-

“13.The petitioners, who have been granted incentive increments for possessing higher qualifications, are now facing recovery proceedings on the ground that they have obtained two different degrees in the same year.

14.According to the petitioners, they have acquired the additional qualifications after getting permission from the Department and only after due verification, they were provided with incentive increments. It is their further claim that there is no misrepresentation on their part and even assuming that the incentive increments have been wrongly provided, the same cannot now be recovered, for the reason that the increments were provided to them more than five years back.

15.The respondents claim that the petitioners have obtained the incentive increments either on misrepresentation or by fraud with the connivance of some of the officials. It is their further claim that when the benefit was obtained by playing fraud, they can recover the same.

... ..



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18. Insofar as pursuing two degrees simultaneously is concerned, this Court, in **K. Govindaraj**'s case (referred supra), has held as follows:-

"8. According to the respondents, the petitioner has pursued two courses simultaneously during the same period and therefore, the petitioner's candidature cannot be considered. The stand taken by the respondent is fully justified. ...

9. Further, the Hon'ble Division Bench of this Court in the case of S. Jagadeeswari v. The Chairman in WA.No.845 of 2013, dated 07.01.2014, considered the validity of G.O.Ms.No.361, dated 31.12.1999 and confirmed the order made in WP.No.30299 of 2012, wherein, it was held that the stand taken by the respondent not to accept the candidature of persons, who had undergone two different degrees simultaneously is perfectly in order."

19. Very recently, a Full Bench of this Court in **R. Chitra**'s case (referred supra), has considered this issue and has held that dual degree obtained simultaneously in the same academic year is not valid unless and until, the University Grants Commission recognizes such degree courses and the employer has the right to reject the same. Therefore, this issue is no more res integra and the petitioners are not entitled for any incentives for the simultaneous degrees obtained by them in the same year."



WP(MD)No.18858 of 2019

WEB COPY

4. In view of the orders passed by the Full Bench in *R.Chitra*'s case (supra) and this Court in the case of *J.Maria James* (supra), this Court is not inclined to entertain this writ petition.

Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
gk

08.01.2025

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B.PUGALENDHI, J.

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