



W.P(MD).No.19588 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

CORAM:

THE HONOURABLE MR JUSTICE B.PUGALENDHI

W.P(MD).No.19588 of 2022

and

W.M.P(MD).Nos.14301 & 14302 of 2022

G.Priyadharsini

.. Petitioner

Vs.

- 1.The Director of School Education,
O/o the Director of School Education,
DPI Compound,
College Road,
Chennai.
- 2.The Joint Director of School Education, (Higher Education),
O/o the Joint Director of School Education (Higher Education)
DPI Compound,
College Road,
Chennai.
- 3.The Chief Educational Officer
O/o. The Chief Educational Office
Thoothukudi
Thoothukudi District.



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4.The Chief Educational Officer,
Office of the Chief Educational Office,
Vidudhunagar,
Virudhunagar District.

5.The District Educational Officer,
O/o, the District Educational Office,
Sivakasi,
Virudhunagar District.

6.The Headmaster,
Government Higher Secondary School,
Pudur – 628 905.

7.The Headmaster,
Government Model Higher Secondary School,
M.Reddiapatti
Virudhunagar District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the respondent No.2 vide his impugned proceedings in A.Thi.Mu.No.016859/W3/E1/2017 dated 11.09.2017 and the consequential impugned order passed by the respondent No.4 vide his proceedings Na.Ka.No.10417/A1/2018 dated Nil.02.2020 (signed on 14.09.2020) and the consequential impugned order passed by the respondent No.4 vide his proceedings O.Mu.No. 4020/A1/A2 dated 06.06.2022 and quash the same as illegal and consequentially to direct the respondents to sanction the incentive increment to the petitioner for having acquired M.Phil.,(English) degree.



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For Petitioner : Mr.Mohammed Imran
for M/s.Ajmal Associates
Advocate

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Challenging the refusal of incentive increment, the Petitioner has filed this Writ Petition.

2. The petitioner was appointed as a P.G.Assistant (English) in a Government Aided Higher Secondary School, Veeracholam, Vidudhunagar District in the year 2013. He studied M.Phil Degree at Mother Theresa Women University, Kodaikanal and obtained a degree in the year 2016. Based on this degree, he made a request for incentive increment, however the same was rejected.

3. This Court has considered the rival submissions advanced by the learned counsel for the petitioner and the learned Special Government Pleader for the respondents and perused all the materials available on record.



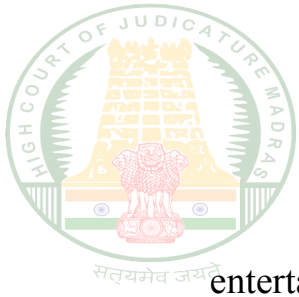
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4. This Court has already taken a decision on a similar request made in the case of **C.Murugan Vs. The Secretary to Government and Ors.** [W.P.(MD).No.4294 of 2021] that the M.Phil degree, if any, pursued through distance education cannot be a valid degree after the issuance of GO.Ms.No.91, Higher Education Department dated 03.04.2009 cannot be a valid degree. By the said government order, the Government has taken a decision that courses like M.Phil/Ph.D should not be offered through distance education and they should be offered only in the regular stream.

5. The Government has also stated that the degrees like M.Phil and Ph.D obtained through Correspondence/Distance Education/Open University are ineligible for appointment as Lecturers in the Colleges and Universities. The petitioner is said to have obtained this M.Phil Degree in the year 2016 after the issuance of the said GO.

6. In view of the above decision already taken by this Court in a similar matter cited *supra* and also in view of the G.O.Ms.No.91, Higher Education Department dated 03.04.2009, this Court is not inclined to



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entertain this writ petition and accordingly, this writ petition is dismissed.

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No costs. Connected writ miscellaneous petitions are closed.

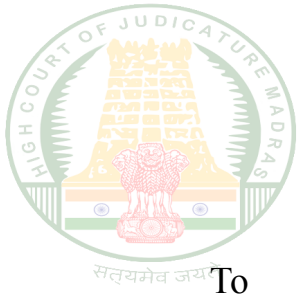
27.01.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

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