



W.P.(MD) No.31442 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD)No.31442 of 2024

P.Mohanasundaram

... Petitioner

Vs.

1.The Regional Accounts Officer (Audit),
School Education Department,
Madurai Region,
Madurai.

2.The Chief Educational Officer,
Dindigul District,
Dindigul.

3.The Headmaster,
Municipality Higher Secondary School,
Palani,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 2 & 3 to disburse the Incentive Increment for the



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petitioner's higher qualification of B.P.Ed., degree w.e.f. From 06.05.2009 by implementing the order passed by the third respondent in Na.Ka.No.102/2023 dated 17.10.2023 in the light of the Government Order in G.O.Ms.No.106, School Education [SE 3 (1)] Department dated 16.06.2022.

For Petitioner : Mr.J.Lawrance
For Respondent No.1 : No appearance
For Respondents 2 & 3 : Mr.T.Amjad Khan
Government Advocate

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus to direct the respondents 2 & 3 to disburse the Incentive Increment for the petitioner's higher qualification of B.P.Ed., degree w.e.f. From 06.05.2009 by implementing the order passed by the third respondent in Na.Ka.No.102/2023 dated 17.10.2023 in the light of the Government Order in G.O.Ms.No.106, School Education [SE 3 (1)] Department dated 16.06.2022.

2.Heard the learned Counsel for the petitioner and the learned Government Advocate appearing for the respondents 2 & 3 and perused the materials available on record.



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3.The petitioner was initially appointed as Physical Education Teacher on 13.03.1998. Subsequently, he possessed B.P.Ed. Degree through Ramakrishna Mission Vivekananda University at Coimbatore in the year 2009. The petitioner was granted with one set of incentive increment for acquiring B.P.Ed., Degree, from 06.05.2009. From 06.05.2009 onwards, the petitioner has been allowed to draw pay on the basis of the incentive increments granted. Subsequently, the audit department has raised certain objections for grant of incentive increment to the petitioner for acquiring B.P.Ed. Degree. Subsequently, a recovery order came to be passed by the third respondent dated 07.07.2016, directing the petitioner to refund a sum of Rs.1,65,760/- with other allowances to the Government account. Later, the Government issued G.O. (Ms).No.106, School Education (SE3(1) Department dated 16.06.2022, holding that the B.P.Ed., degree awarded by the said University is equivalent to the B.P.Ed., offered by the other Universities. Since even after issuance of the said Government Order, the petitioner has not been granted the incentive increment, he has approached this Court by way of the present Writ Petition.



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4.The learned Counsel for the petitioner would submit that the proceedings issued for recovery is illegal on the only ground of violation of principles of natural justice. He further submits that no notice was issued to the petitioner before passing the said proceedings. The learned Counsel further submits that the reason for cancelling the incentive increment granted to the petitioner is that the B.P.Ed., Degree possessed by the petitioner from Ramakrishna Mission Vivekananda University at Coimbatore is not equivalent to other B.P.Ed. Degrees granted by the other Universities. But the State Government has issued G.O.(Ms).No. 106, School Education (SE3(1) Department dated 16.06.2022, accepting the recommendations of the 15th Equivalence Committee made in its Meeting held on 29.03.2022, wherein the B.P.Ed., Degree possessed by the petitioner is equivalent to the Degrees offered by the other Universities. Pursuant to the said Government order, the third respondent has passed an order dated 17.10.2023, restoring the incentive increment granted to the petitioner. But till date, the petitioner has not been paid with the monetary benefits.



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5.The learned Government Advocate appearing for the respondents would submit that at the time of passing the recovery order, the B.P.Ed., Degree possessed by the petitioner was not declared as equivalent to the Degrees obtained from other Universities and subsequently, vide G.O.(Ms).No106, School Education (SE3(1) Department dated 16.06.2022, it is declared that the B.P.Ed., Degree is equivalent to the B.P.Ed. Degrees accorded by other Universities.

6.Having heard the submissions of the respective learned Counsel and on perusal of the material available on record, the only ground for issuance of the recovery proceedings by the third respondent cancelling the incentive increment granted to the petitioner and directing the petitioner to refund the amount paid to the petitioner towards the incentive increment is that the B.P.Ed., Degree possessed by the petitioner through Ramakrishna Mission Vivekananda University at Coimbatore is not equivalent to B.P.Ed., Degrees offered by the other universities. But as of now, the Government issued G.O.(Ms).No.106, School Education (SE3) (1) Department dated 16.06.2022, considering the recommendations of the 15th Equivalence Committee, stating that the B.P.Ed., Degree



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possessed by the petitioner is equivalent to the B.P.Ed Degrees offered by other Universities. In the said G.O., it was categorically stated that those candidates who have been admitted and completed the B.P.Ed., Courses during the years 2009, 2010 & 2011 are entitled for the said benefit.

7. Accordingly, this Writ Petition is disposed of, with the following directions:

(i) the respondents are directed to grant incentive increment to the petitioner for acquiring B.P.Ed., Degree in light of G.O. (Ms)No.106, School Education (SE 3 (1) Department dated 16.06.2022.

(ii) the respondents are directed to refund the amount recovered from the petitioner, pursuant to the recovery order forthwith.

There shall be no order as to costs.

03.02.2025

NCC : Yes/No

Index: Yes/No

Internet : Yes

MR



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To

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BATTU DEVANAND, J.

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