



WEB COPY

WP No. 4004 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-02-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 4004 of 2026

and WMP.Nos.4472, 4474 & 4476 of 2026

J.Sivakumar

S/O.G.Jayaraman

Door No.1/170, Pillaiyar Kovil street,

Arappakkam post,

Rathanagiri (via),

Vellore-632 517

Ranipet District

..Petitioner(s)

Vs

1. The Director of School Education (Service Division)
Directorate of school Education
DPI Campus, College Road
Chennai-600 006
2. Financial Advisor and The Principal Accounts officer
Directorate of school Education,
DPI campus, college Road
chennai-600 006
3. The Regional Accounts officer(Audit)

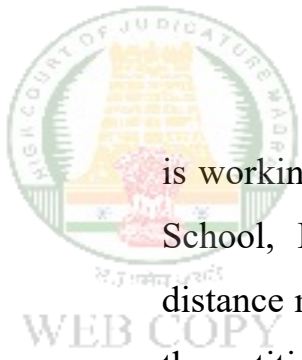


School Education Department
LLA Building 3rd floor
Big Bazaar street, Town Hall
Coimbatore-641 001

4. The Chief Educational officer
O/o.The Chief Educational office,
Collectorate Building
3rd floor, B Block, Vellore Arcot Road
Sathuvacheri
Vellore-632 009
5. The District Educational officer
office of the District Educational office
Collectdorate Buildings
3rd floor, B Block
Vellore Arcot Road, Sathuvacheri
Vellore-632 009
6. The Headmaster
Government boys Higher secondary school
Latheri-Vellore District-632 202

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in proceedings having Ref. No. Na.Ka. 1633/E14/2019, dated 20.09.2019 raising audit objection to the grant of incentive to the petitioner who



is working as BT Assistant (Maths) in the Government Boys Higher Secondary School, Latheri, Vellore District, for the M.Phil degree obtained through distance mode and the consequential proceedings of the 6th respondent directed the petitioner to remit the incentive granted to the petitioner from the salary of the petitioner from 6.1.2016 and quash the same as arbitrary and consequently direct the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioners salary

For Petitioner(s): Ms.C.Uma

For Respondent(s): Mr.S.Prabakaran

ORDER

The third respondent in proceedings having Ref. No. Na.Ka. 1633/E14/2019, dated 20.09.2019 raising audit objection to the grant of incentive to the petitioner, who is working as B.T. Assistant (Maths) in the Government Boys Higher Secondary School, Latheri, Vellore District, for the M.Phil degree obtained through distance mode and the consequential proceedings of the sixth respondent dated 28.11.2024, directing the petitioner to remit the incentive granted to the petitioner from the salary of the petitioner from 06.01.2016, are put under challenge in the present Writ Petition. Further, the petitioner has sought for a direction to the respondents to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree through part time mode along with petitioner's salary.



2. Heard the learned counsels appearing on either side. With the consent of both sides, the Writ Petition is taken up for hearing at the admission stage itself.

3. The brief facts of the case is as follows:

3.1. The petitioner was appointed as B.T. Assistant (Mathematics) on 25.07.2006 in Government Kallar High School, A.Poochipatti, Usilampatti Taluk, Madurai District and after several transfers, the petitioner is now working at the sixth respondent school. After obtaining necessary permission, the petitioner pursued M.Phil Degree course through Distance Education in Alagappa University, Karaikudi and completed the same in the year 2016, for which, he was sanctioned with the second incentive increment from 06.01.2016. While so, since there was audit objections raised for the aforesaid sanction of the petitioner's increment for M.Phil Degree obtained through Distance Education, the third respondent addressed a proceedings to the sixth respondent, who in turn, issued the impugned proceedings of recovery of the amount received by the petitioner under the second incentive increment from 06.01.2016, by citing various Government Orders, including G.O.Ms No.91, Higher Education (Ks) Department dated 03.04.2009. Aggrieved over the same, the present Writ Petition has been filed.



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4. The learned counsel for the petitioner drew the attention of this Court to the order passed by this Court in an identical issue in W.P.No.46573 of 2025 dated 03.12.2025, in which, this Court has followed the decision of the Hon'ble Division of this Court in ***W.A.Nos.2328 of 2018 etc., batch [S.Sivan Vs. The Regional Accounts Officer and others]*** and allowed the petition and submitted that the aforesaid order is squarely applicable to the present case on hand and hence, he prayed to allow the present Writ Petition.

5. Considering the facts and circumstances of the case and also in the light of the order passed by this Court in W.P.No.46573 of 2025, the impugned orders passed by the third and sixth respondents dated 20.09.2019 and 28.11.2024, are set aside and accordingly, the Writ Petition stands allowed. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

12-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP



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M.DHANDAPANI, J.

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