



WEB COPY

WP No. 8296 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 8296 of 2026
and WMP Nos.8983 and 8985 of 2026**

Murugesan.S
S/o.Subramani,
No.95/66 A, Ambethkar Nagar,
Puthupettai, Attur,
Salem- 636 141.

..Petitioner(s)

Vs

1. The Director of School Education
Directorate of School Education
DPI Campus, College Road,
Chennai-600 006.
2. The Financial Adviser and Principal Accounts
Officer (Audit)
School Education Department,
DPI Campus, College Road,
Chennai-600 006.
3. The Chief Educational Officer
O/o.The Chief Educational Office,
Salem- 636 101.
4. The Headmaster
Government Girls Higher Secondary School,
Athur, Salem- 636 102.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the 2nd Respondent in Proceedings having Ref.No.Na.Ka.No.053130/Aakatha/ 2023 dt.13.11.2023 raising audit objection to the grant of incentive



for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 18.01.2013 and to 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 Distance mode along with petitioners salary.

For Petitioner(s): Ms.K.Chandra

For Respondent(s): Mrs.Mythreye Chandru, Special GP

ORDER

The petition has been filed calling for the records of the 2nd Respondent in Proceedings having Ref.No.Na.Ka.No.053130/ Aakatha/ 2023 dt.13.11.2023 raising audit objection to the grant of incentive for the M.Phil Degree obtained through distance mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 18.01.2013 and to 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 Distance mode along with petitioners salary.

2.When the matter was taken up for hearing, it was informed that a Hon'ble Division Bench of this Court had an occasion to consider a similar case in ***WA.No.2328 of 2018 and etc., batch***, and passed judgment dated 04.08.2023, wherein, this Court has held as follows:

“33. In this context, the learned Government



Pleader appearing for the State has relied upon the G.O.Ms.No.91, Higher Education Department, dated 03.04.2009 and has stated that the Government by the said G.O, declared that the M.Phil and Ph.D degree obtained through the correspondence or Distance Education or Open University system are ineligible for Government appointments and appointment as lecturers in colleges or Universities including self-financing colleges, therefore the import of the said G.O.Ms.No.91, dated 03.04.2009 if it is implemented that will stand in the way for extending the benefit of advance incentive increment to the teachers.

34. However, the said submission made by the learned Government Pleader is liable to be rejected because, the said G.O has only mentioned about the eligibility for a person to get employment. Here, the teachers, as per earlier qualification acquired already, been appointed as teachers or lecturers and the benefit now questioned is only the grant of advance incentive increment for having acquired the higher qualification. Therefore, the G.O.Ms.No.91 dated 03.04.2009 issued by the Higher Education Department does not deal with anything about the allowing of advance incentive increment to the teachers, who acquired higher qualification, therefore, that argument made by the learned Government Pleader also is to be rejected and accordingly, it is rejected.

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 order that was challenged before the Writ Court in the respective petitions is also set aside to the extent that those teachers who had studied in the Vinayaka Mission's University during the relevant point of time i.e., 2007 to 2009 since had acquired the qualification during the period which the University also enjoyed the approval or recognition from the DEC, IGNO, the said objection raised by the audit Department would not be sustained. Therefore, on that ground, the incentive increment already allowed to these teachers need not be disturbed. If the increment already been allowed to these teachers have been cancelled or stopped by virtue of the order, which is impugned herein, the same shall be restored and the arrears to that effect shall be calculated and be paid to the teachers/appellants. To that extent, all these writ appeals are allowed. No costs. Connected miscellaneous petitions are closed.”

Therefore, in view of the above judgment passed by the Hon'ble Division Bench of this Court, this writ petition is allowed. Consequently, connected miscellaneous petitions stand closed. No costs.

03-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.

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To

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