



WEB COPY

W.P No. 12534 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 06-04-2026**

CORAM

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

**W.P. No. 12534 of 2026**

**and W.M.P.No.13713 and 13715 of 2026**

N.Vasanthi  
W/o.S.Ganesan,  
5-75C, A.K.Illam,Keralapuram P.O,  
Thuckalay, Kanniyakumar District- 629 174.

..Petitioner(s)

Vs

1. The Director of School Education  
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 District Educational Officer (Secondary Grade)  
O/o.The District Educational Officer (Secondary  
Grade), Kanyakumari District.
4. The Head Master  
Government Higher Secondary School,  
Kalkulam, Thuckalay,  
Kanyakumari District- 629 174.

..Respondent(s)



**PRAYER:** The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent having proceedings Ref.No. Na.Ka.No. 053130 /AKATHA/ 2023/ dated 21.12.2023 and of the 4th Respondent having Ref.No.Na.Ka.No.10A/24 dated 18.01.2024 raising objection to the grant of incentive to the petitioner who is working as P.G.Assistant in Government Higher Secondary School, Kalkulam, Kanniyakumari District, for the M.Phil Degree obtained through distance education mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 01.07.2013 and quash the same as arbitrary and Consequently direct the 2<sup>nd</sup> respondent to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree along with petitioners salary.

For Petitioner(s): Mr. K.Chandra

For Respondent(s): Mrs. Mythreye Chandru

Special Government Pleader

### **ORDER**

The present Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the 2<sup>nd</sup> respondent having proceedings Ref.No. Na.Ka.No. 053130 /AKATHA/ 2023/ dated 21.12.2023 and of the 4<sup>th</sup> respondent having Ref.No.Na.Ka.No.10A/24 dated 18.01.2024 raising objection to the grant of incentive to the petitioner who is working as P.G.Assistant in Government Higher Secondary School, Kalkulam, Kanniyakumari District, for the M.Phil Degree obtained through distance education mode and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 01.07.2013 and quash the same as



arbitrary and consequently direct the 2<sup>nd</sup> respondent to continue to pay the incentive amount to the petitioner for having acquired M.Phil Degree along with petitioner's 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.”*

3. 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.

**06-04-2026**

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To

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**P.T.ASHA, J.**

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