



WEB COPY

WP No. 17595 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-06-2026

CORAM

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

WP No. 17595 of 2026

&

WMP Nos. 18898, 18903 & 18905 of 2026

C.Vijaya Gandhi

..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 Additional Assistant Education officer
(Elementary)
Now Redesignated as Block Educational
officer,
O/o.The Block Educational Officer,
Koradacherri.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India seeking writ of certiorarified mandamus calling for the records of the 2nd respondent in proceedings having Ref. Na.Ka. No.7836/ Aakatha/2025 dt /03/2025 and of the 3rd respondent proceedings having Reference No. Na.Ka. No.1066/ A3/ 2025 dt. 29.09.2025 ordering recovery of the incentive paid to the petitioner from 27.12.2016 for the M.Phil degree obtained through part time



mode from Mother Teresa Women's University, Kodaikanal, raising objection to the grant of incentive after retirement of the petitioner from services on 31.05.2025 and quash the same as arbitrary and consequently direct the respondents to issue the retirement monetary benefits of Earned leave and unearned leave etc.,

For Petitioner(s): M/s.K.Chandra

For Respondent(s): Mr. K.Sathish
Government Advocate

ORDER

This writ petition is filed for the following relief:

“To calling for the records of the 2nd respondent in proceedings having Ref. Na.Ka. No.7836/ Aakatha/2025 dt /03/2025 and of the 3rd respondent proceedings having Reference No. Na.Ka. No.1066/ A3/ 2025 dt. 29.09.2025 ordering recovery of the incentive paid to the petitioner from 27.12.2016 for the M.Phil degree obtained through part time mode from Mother Teresa Women's University, Kodaikanal, raising objection to the grant of incentive after retirement of the petitioner from services on 31.05.2025 and quash the same as arbitrary and consequently direct the respondents to issue the retirement monetary benefits of Earned leave and unearned leave etc.,”



WEB COPY

2. When the matter is taken up for hearing, it is brought to the notice of this Court that the very same issue involved in this writ petition has been dealt by this Court in writ petition in ***W.P.No.8296 of 2026*** dated ***03.03.2026***, wherein, it is observed as follows:

“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



WEB COPY

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 ”

WEB COPY

3. The aforesaid order dated 03.03.2026 applies on all fours to the case on hand and therefore, this writ petition is allowed on the same lines of the above order. Consequently, the connected miscellaneous petitions are closed. No costs.

01-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KAN



WEB COPY

To

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 Additional Assistant Education officer (Elementary)
Now Redesignated as Block Educational officer,
O/o.The Block Educational Officer,
Koradacherri.



WEB COPY

WP No. 17595 of 2



P.T.ASHA, J.

KAN

WP No. 17595 of 2026

01-06-2026