



W.P.No.17526 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.17526 of 2021
and WMP.Nos.18628, 18627 & 18626 of 2021

P.S.Tamilselvi

... Petitioner

vs

1.The Regional Accounts Officer (Audit)
Department of School Education
L.L.A. Building 3rd Floor
Big Bazaar Street, Town Hall
Coimbatore – 641 001.

2.The Director of School Education
Directorate of School Education
DPI Campus College Road,
Chennai – 600 006.

3.The Chief Educational Officer
Namakkal District,
Namakkal – 637 001.

4.The District Educational Officer
Thiruchengode
Namakkal District – 637 001.

5.The Headmaster
Government Higher Secondary School
Solasiramani



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Namkkal District – 637 210

6.Vinayaka Missions University
Rep by its Registrar
NH – 47, Sankari Main Road
Ariyanoor, Salem District – 636 308.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent dated 25.10.2017 having Ref.No.Na.Ka.No.2435/E8/2017 raising audit objection in relation to the grant of incentive to the petitioner for acquiring M.Phil degree from the 6th respondent through Distance Education Mode and quash the same and consequently direct the 5th respondent to continue to pay incentive to the petitioner for the M.Phil degree acquired from the 6th respondent through Distance Education Mode.

For Petitioner : M/s.C.Uma
For Respondents : Mr.S.Prabhakaran, GA for R1 to R5.
No appearance for R6

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 5 and perused the records.

2. The petitioner by the present writ petition has assailed the action of the first respondent in issuing the proceedings dated 25.10.2017 objecting to granting of incentive increment to her for obtaining and possessing higher



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qualification (i.e, M.Phil) from the 6th respondent and to recover the aforesaid incentive paid to the petitioner from January 2013.

3. Briefly put the case of the petitioner is that she had obtained B.Sc (Physics) during May 2001, M.Sc (Physics) in April 2025 and B.Ed in the year 2007 from Periyar University.

4. It is the further case of the petitioner is that thereafter she has obtained decree of Master of Philosophy M.Phil (Physics) from 6th respondent through Distance Education mode in January 2009.

5. It is the further case of the petitioner that she was appointed as B.T.Assistant in Government High School A.Udayapatti, Karur District initially in the year 2012 and thereafter transferred to Government High School, Solasiramani in October 2013; and that the 5th respondent issued proceeding dated 30.06.2015 granting incentive salary for possessing higher qualification i.e, M.Sc and M.Phil w.e.f. 18.01.2013.



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6. The petitioner further contented that on the 5th respondent sanctioning the incentive salary for possessing higher qualification, she was paid incentive salary; and that 1st respondent by proceedings dated 25.10.2017 addressed to the 5th respondent had stated that the petitioner having acquired M.Phil decree through Distance Education from the 6th respondent is not entitled for being granted such incentive and directed the 5th respondent to recover the incentive increment paid to the petitioner from 18.01.2013 and further directed the 5th respondent to stop continuing payment of incentive increment, going forward, which action of the 1st respondent it is contended as highly illegal and arbitrary and contrary to the orders of this Court. Contending as above, the learned counsel for the petitioner seeks for allowing the writ petition.

7. When the matter is taken up for hearing, the learned counsel for the petitioner has brought to the notice of this Court that the issue involved in the present writ petition is no longer res-integra, in view of the decision of the Division Bench of this Court dated 04.08.2023 in WA.No.2328 of 2018 etc batch, whereby the Division Bench of this Court had held that since, the Vinayaka Mission University had enjoyed the approval or recognition from the DEC, IGNO, the



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qualification acquired from the said University is also to be eligible for being granted incentive increment and directed the respondents therein to restore and continue the payment of incentive increment including arrears.

8. The learned counsel for the petitioner further submitted that aggrieved by the aforesaid order of this Court, the State had approached the Hon'ble Apex Court by way of SLP (Civil).No.34679 of 2024 and also similar other SLPs; that the Hon'ble Apex Court by its order dated 11.11.2024 had dismissed the SLP (Civil).No.34679 of 2024 preferred by the State. Thus, the learned counsel for the petitioner contended that the order of the Division Bench had attained finality and the respondents cannot be allowed to take a different plea or approach.

9. The learned Government Advocate appearing on behalf of the respondents 1 to 5 does not dispute the aforesaid submission made by the learned counsel for the petitioner with regard to the Division Bench of this Court holding that the higher qualification (i.e.,) M.Phil obtained from the 6th respondent through Distance Education Mode also being eligible for incentive increment and the said



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order having been affirmed by the Hon'ble Apex Court.

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10. In view of the aforesaid undisputed position, this Court is of the view that the petitioner in the present writ petition is also entitled for being granted the relief of payment of incentive increment for possessing M.Phil qualification, in terms of the Order passed by the Division Bench of this Court in WA.No.2328 of 2018 dated 04.08.2023.

11. In view of the above and for the reasons alike, as stated in the order of the Division Bench of this Court in WA.No.2328 of 2018 dated 04.08.2023, this writ petition stands allowed by setting aside the impugned order dated 25.10.2017 passed by the first respondent and the respondent are directed to continue / restore the payment of incentive increment already granted to the petitioner vide proceedings dated 30.06.2015 w.e.f 18.01.2013. No order as to costs. Consequently, connected miscellaneous petitions are closed.

23.01.2026

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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