



WEB COPY

WP No. 6927 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 6927 of 2026

and

WMP.No.7546 of 2026

M.Velvizhiyal
W/o.Devasenathipathy,
Plot No.5, Neelamegam Nagar, Thirumohur Road,
Rajakambeeram, Othakadai,
Tamil nadu-625 107

..Petitioner(s)

Vs

1. The Director of School Education
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006
2. The 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 Office(Secondary
Grade)
Sivagangai, Sivagangai Dsitric.
4. The Head Master
Government of Hr Secondary school,
Pazhaiyanur, Sivagangai District.

..Respondent(s)

Prayer: 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



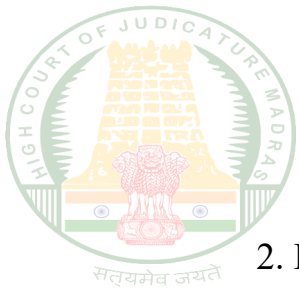
respondent in proceedings having Ref. No.Oo.Mu.No.4733/ Aa2/ 2024 dt.13/08/2024 and of the 4th respondent having Ref. No.Na.Ka. No.88/2025 dt.20.08.2025 raising objection to the grant of incentive to the petitioner who is working as P.G. Assistant in the Government Higher Secondary School, Pazhaiyanoor, Sivagangai District for the M.Phil Degree obtained through distance education mode from Vinayaka Missions University, Salem and ordering recovery of the incentive granted to the petitioner from the salary of the petitioner from 24.06.2008 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 along with petitioners salary.

For Petitioner(s): Ms.K.Chandra

For Respondent(s): Ms.Mythreye Chandru, SGP

ORDER

The proceedings of the third and fourth respondents in Ref.No.Oo.Mu.No.4733/Aa2/2024 dated 13.08.2024 and Ref.No.Na.Ka. No.88/2025 dated 20.08.2025 raising objection to the grant of incentive to the petitioner, who is working as P.G. Assistant in the Government Higher Secondary School, Pazhaiyanoor, Sivagangai District for the M.Phil Degree obtained through distance education mode from Vinayaka Missions University, Salem and ordering recovery of the incentive granted to the petitioner from his salary from 24.06.2008, are put under challenge in the present Writ Petition. Consequently, 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 along with petitioner's salary.

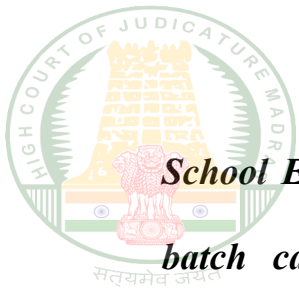


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2. Heard the learned counsel appearing on either side.

3. The petitioner was appointed as B.T. Assistant in Government Higher Secondary School, Koomapatti, Virudhunagar District and had obtained permission from the Head Master of the aforesaid School to pursue M.Phil degree from Vinayaka Missions University, Salem on 05.12.2007 and completed the same successfully in June 2008 and was awarded with M.Phil degree in September 2009, for which she was granted incentive increment vide proceedings dated 11.03.2013 as per G.O.Ms No.194, School Education dated 10.10.2006. While so, the third respondent issued the impugned proceedings addressed to the fourth respondent on 13.08.2024 stating that the M.Phil degree obtained from the aforesaid University is not recognised by the Government of Tamil Nadu and in reference to the same, the fourth respondent issued the consequential proceedings withdrawing the incentive increment granted to the petitioner for M.Phil degree on 20.08.2025. Aggrieved over the same, the present Writ Petition has been filed.

4. The learned counsel for the petitioner submitted that the issue with regard to the M.Phil degree obtained through distance mode in Vinayagaka Missions University is accepted by the Hon'ble Division Bench of this Court in the case of ***S.Sivan Vs. The Regional Accounts Officer (Audit), Department of***



School Education, Coimbatore & 5 others reported in W.A.2328 of 2018 & batch cases etc., on 04.08.2023, wherein this Court has held that the

Vinayagaka Mission's University is concerned, it has been given the recognition or approval by the DEC, IGNO by order dated 28.02.2007 to conduct Distance Education Courses and hence, the order of the respondents in regard to recognition of the M.Phil degree obtained from the Vinayaga Missions University is not sustainable and also that the incentive increment granted earlier on 11.03.2013 as per G.O.Ms No.194, School Education Department, dated 10.10.2006 for the M.Phil degree to the petitioner from 24.06.2008 cannot be withdrawn as there is no mistake on the part of the petitioner and accordingly, she prayed for grant of the reliefs sought for by the petitioner in this Writ Petition.

5. Per contra, the learned Special Government Pleader for the respondents submitted that the petitioner is entitled for incentive increment only in terms of G.D.No.18 dated 18.01.2013 and prior to that incentive increment were granted only for M.A., M.Ed., and the same was modified to the effect that on completion of M.Phil and Ph.D., incentive increment can be granted and the same came into force through G.D.No.18 dated 18.01.2013 i.e., from 2013. She further submitted that the petitioner herein was however granted incentive increment for M.Phil Degree from 2008 onwards instead of 2013 which is contrary to G.D.No.18 dated 18.01.2013 and hence, the same is not sustainable



and therefore, the impugned order in regard to recovery of incentive increment granted to the petitioner from 24.06.2008 warrants no interference and accordingly, she prayed for appropriate orders.

6. Admittedly, the facts of the case are not disputed. M.Phil degree obtained through distance mode from Vinayaga Missions University is not recognised by the University Grants Commission, however the same was accepted by the order of this Court through *Sivan's case* as stated supra and therefore, the question with regard to the degree obtained through Vinayaga Missions University is not sustainable. Admittedly, prior to G.D.No.18, School Education (E2) Department, dated 18.01.2013, there is no incentive increment for completion of M.Phil degree and the same was awarded only to M.A., & M.Ed., and thereafter, as per G.D.18 dated 18.01.2013, the incentive increment was permissible for M.Phil and Ph.D., degree. In the present case on hand, the respondents had awarded the incentive increment to the petitioner for obtaining M.Phil degree from 2008 onwards and later the impugned orders dated 13.08.2024 and 20.08.2025 were passed by the respondents withdrawing the incentive increment granted to the petitioner from 2008 on the ground of the M.Phil degree obtained through the aforesaid University and also to recover the amount granted to the petitioner as incentive increment from 24.06.2008 to 2013, however the same is not acceptable as there was no misrepresentation in this regard by the petitioner. In the absence of any mistake on the part of the



petitioner with regard to the incentive increment paid to him, recovery of the same from 2008 to 2013 is not acceptable. In view of the aforesaid facts, this

Court directs the respondents to refix the petitioner's salary by awarding incentive increment from 18.01.2013, however, it is also made clear that no recovery can be made from the petitioner for the incentive increment already granted to the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is also closed. There shall be no order as to costs.

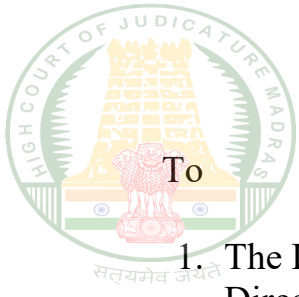
28-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

DP



To

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Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006
2. The Financial Advisor and The Principal
Accounts officer,
Directorate of school Education,
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M.DHANDAPANI, J.

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