



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2025

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CORAM

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

WP Nos. 45626 and 45630 of 2025

and

WMP Nos.50835, 50837, 50841 and 50842 of 2025

1.Mrs.Seena Raj A.J.

Petitioner in W.P.No.45626 of 2025

2.T.Jesu Thangam

Petitioner in W.P.No.45630 of 2025

Vs

1.The Director,

Directorate of School Education Department,
DPI Building, College Road,
Chennai-600 006.

2.The Chief Education Officer,

Chennai District,
Chennai.

3.The District Educational Officer,

Chennai District (North).

4.The Principal Accounts Officer,

Department of School Education,
Chennai-600 006.

Respondent in both WPs

PRAYER in both WPs

Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, calling for the records relating to the impugned order of the fourth respondent's proceedings in Na.Ka.No.053130/Akatha/2023 dated 07.02.2024 and quash the same.

For Petitioners : Mr.I.G.Sahadevan in both WPs

For Respondents: Mrs.S.Mythreye Chandru
Special Government Pleader
in both WPs



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ORDER

These writ petitions have been filed calling for the records relating to the impugned order of the fourth respondent's proceedings in Na.Ka.No.053130/Akatha/2023 dated 07.02.2024 and quash the same.

2. Heard the learned counsel on either side and perused the materials available on record.

3. A similar issue has already been dealt with by this Court in W.P.No.20013 and 2002 etc. batch. This Court, by an order dated 11.07.2024, allowed the writ petition and held as follows:

9. This Court, in a batch of writ petitions in W.P.Nos.42675 of 2016 etc., by an order dated 06.09.2018 held that the petitioners are not entitled for grant of any incentive increments for the qualification of M.Phil degree obtained by them from the Vinayaka Missions University, which was not approved. Aggrieved by the same, writ appeals were filed in a batch of writ appeals in W.A.Nos.2328 of 2018 etc.,. The Hon'ble Division Bench of this Court, by the Judgment dated 04.08.2023 held that G.O.Ms.No.91, Higher Education (K2), dated 03.04.2009 ordered about the eligibility for a person to get employment. It does not deal with advance incentive increment to the Teachers who acquired higher education. Therefore, the order passed by the



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learned Single Judge of this Court was set aside and the order of recovery was quashed.

10. Admittedly, the petitioners had joined their M.Phil degree through distance education in the academic year 2006~2007 and they had completed their degree in the academic year 2008~2009 from various Universities. Whereas, the Government Letter Ms.No.268, Higher Education Department dated 29.08.2006 is very clear that the Universities are directed not to offer M.Phil/Ph.D courses through distance education from the academic year 2007~2008 and those courses should be offered only through the regular stream.

11. As per G.O.Ms.No.91, Higher Education (K2), dated 03.04.2009 ordered that M.Phil/Ph.D degrees obtained through the correspondence/Distance Education/Open University System are ineligible for Government appointments and appointment as Lectures in College/Universities including self financing colleges.

12. Whereas, in the case on hand, the petitioners were appointed as P.G.Assistants and subsequently they were promoted to the post of Headmaster of Higher Secondary School. Therefore, the Government letter and the Government Order are not applicable to the case of the petitioners. The third respondent, only by referring those orders, ordered for recovery of the advance increments which were granted with effect from the date of completion of M.Phil degree of the respective petitioners.

4. In view of the above, impugned order cannot be sustained and is liable to be quashed. Accordingly, the impugned order passed by the fourth respondent in Na.Ka.No.053130/Akatha/2023 dated 07.02.2024, is hereby quashed.



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5. Accordingly, this writ petitions stand allowed. Consequently, connected Miscellaneous petitions are closed. No costs.

24-11-2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
mrn

To

1. The Director,
Directorate of School Education
Department,
DPI Building, College Road,
Chennai-600 006.

2. The Chief Education Officer,
Chennai District,
Chennai.

3. The District Educational Officer,
Chennai District (North).

4. The Principal Accounts Officer,
Department of School Education,
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G.K.ILANTHIRAIYAN, J.
mrn

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