



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2016

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.15234 of 2016

and

W.M.P (MD) Nos.11226, 11227 and 12787 of 2016

R.Ramesh

: Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
2. The Director of School Education,
Office of the Director of School Education,
Chennai - 6.
3. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram
4. The Zonal Accounts Officer (Audits),
School Education Department,
Madurai - 2.
5. The Headmaster,
Government Girls Higher Secondary School,
Panaikulam,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records of the 2nd respondent in his proceedings in Na.Ka.No.42026/H/E2/2016 dated 11.06.2016 and consequential order passed by the 3rd respondent in his proceedings in Aa.thi.Mu.No.3552/Aa5/16 dated 04.07.2016 and quash the same as illegal arbitrary, violation of principles of law.

For Petitioner

: Mr.G.Marimuthu

For Respondents

: Mr.T.S.Mohamed Mohideen,

Additional Government Pleader.

**O R D E R**

This writ petition has been filed for issuance of a Writ of Certiorari praying to quash the proceedings of the second respondent dated 11.06.2016 and the consequential order of recovery, dated 11.06.2016, passed by the third respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that the petitioner has been appointed as B.T. Assistant in the fifth respondent school, in the year 2006. He acquired the qualification of M.A., B.Ed., degrees. As per G.O.1024, a B.T. Assistant is eligible to receive two incentives in his service. As per G.O.Ms.No.42, M.A. or M.Sc., M.Ed., degree can be considered as a higher qualification to the post of B.T. Assistant. Under Fundamental Rules of the Tamil Nadu Government Servants and several Government Orders, from the last day of the examination [in case of higher qualification], the person is eligible to receive incentives. But, now the second respondent passed the impugned order fixing the cut off date for receiving incentive as 18.01.2013 to the B.T. Assistants. On the basis of the said order, the third respondent passed the impugned order with intention to deduct the salary of the petitioner. In order to quash the same, this writ petition has been filed.

4. Today, when the matter is taken up for hearing, the learned counsel for the petitioner would submit that the amount under challenge has already been deposited by the petitioner.

5. Recording the submission made by the learned counsel for the petitioner, this writ petition is closed, as nothing survives for adjudication. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.



2. The Director of School Education,
Office of the Director of School Education,
Chennai - 6.

3. The Chief Educational Officer,
Ramanathapuram District,
Ramanathapuram

4. The Zonal Accounts Officer (Audits),
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Madurai - 2.

5. The Headmaster,
Government Girls Higher Secondary School,
Panaikulam,
Ramanathapuram District.

+ 1 CC TO Mr.G.MARIMUTHU, ADVOCATE IN SR No. 67592
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 67484

SMN

TE/CK : 24/11/2016 : 3P/8C

ORDER MADE IN
W.P (MD) No.15234 of 2016
and
W.M.P (MD) Nos.11226, 11227 and 12787 of 2016
10.11.2016