



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

W.P(MD)No.24613 of 2016

and

W.M.P(MD)No.17744 of 2016

Sathya

... Petitioner

vs.

1)The Secretary to Government,
School Education Department,
Omanthurar Government Estate,
Anna Salai, Chennai-600 002.

2)The Director of School Education,
College Road, Chennai-600 006.

3)The Chief Educational Officer,
Virudhunagar District, Virudhunagar.

4)The Head Master,
Srivilliputtur Thiru.Vi.Ka.Municipal
Higher Secondary School,
Srivilliputtur, Virudhunagar District.

...Respondents

Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, to call for records of the impugned proceedings of the 4th respondent in Na.Ka.No.50/2016 dated 15.11.2016 and quash the same.

For Petitioner	: Mr.P.T.Ramesh Raja
For Respondents	: Mr.A.K.Baskarapandian Special Government Pleader

ORDER

The order dated 15.11.2016, passed by the 4th respondent, ordering to recover the incentive increment paid to the petitioner for acquiring M.Phil qualification for the period between 10.07.2007 and 18.01.2013, is under challenge in this writ petition.

2.The learned Special Government Pleader appearing for the respondents would submit that the impugned order is only a communication/reminder and there is no adverse order passed against the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
3.Whereas, the learned counsel for the petitioner submitted that without giving any opportunity, the 4th respondent is trying



to recover the amount paid to the petitioner and that the petitioner has acquired M.Phil qualification much prior to the date of issuance of G.O.No.18, Education Department, dated 18.01.2013, and therefore, the petitioner would be entitled to the increment/incentive from the date of acquiring M.Phil qualification.

4.Learned Special Government Pleader appearing for the respondents would reply that G.O.No.18, Education Department, dated 18.01.2013, is very clear that initially, M.Ed., qualification was taken into account for the purpose of granting incentive increment and for the first time, in G.O.No.18, M.Phil qualification was included and only from the date of issuance of the said G.O., the petitioner would be entitled to the incentive increment and other benefits applicable to him.

5.Since no decision has been taken by the respondents and that there is no cut-off date fixed in the said G.O., it is open to the respondents to take a decision as to whether the benefit of G.O.No.18, should be given from the date of acquiring M.Phil qualification or from the date of issuance of G.O., after affording an opportunity of being heard to the petitioner and thereafter, pass suitable order in accordance with law expeditiously.

With the above direction, this Writ Petition stands disposed of. No costs. Consequently, W.M.P(MD)No.17744 of 2016 is closed.

Sd/-

Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

- 1)The Secretary to Government,
School Education Department, Omanthurar Government Estate,
Anna Salai, Chennai-600 002.
- 2)The Director of School Education, College Road, Chennai-600 006.
- 3)The Chief Educational Officer, Virudhunagar District,
Virudhunagar.
- 4)The Head Master,
Srivilliputtur Thiru.Vi.Ka.Municipal
Higher Secondary School, Srivilliputtur, Virudhunagar District.

+1 CC to Mr.P.T.RAMESH RAJA, Advocate, SR No.83225

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.83486

W.P. (MD)No.24613 of 2016

22.12.2016