

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.08.2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6347 of 2014
and MP.No.2 of 2014

1.T.Somasundaram
2.K.Yogan
3.M.Sumathi
4.V.Shanmugam
5.J.Stella Jayaprakasi
6.S.Sumathi
7.M.Baby
8.S.Ramachandran
9.R.S.Balaji

..... Petitioners

Vs

1. The Government of Tamil Nadu Rep.by
Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
2.The Director of School Education,
College Road, Chennai - 600 006.
3. the Chief Educational Officer,
Erode District, Erode.

... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 1st respondent in relation to the proceedings issued in letter (Ms) No.129 School Education [PK5 (2)] 2013-1 dated 17.07.2013 and quash the same in so far as the petitioners are concerned and issue a consequential direction to the respondents to grant incentive increment for M.Phil. Degree from the date following the last date of the examination.

For Petitioners: Mr.R.Saseedharan

For Respondents: Mr.K.Karthikeyan
Government Advocate

O R D E R

The relief sought for in this writ petition is to call for the records of the 1st respondent in relation to the proceedings issued in letter (Ms) No.129 School Education [PK5(2)] 2013-1 dated 17.07.2013 and quash the same in so far as the petitioners are concerned and issue a consequential direction to the respondents to grant incentive increment for M.Phil. Degree from the date following the last date of the examination.

2.The learned Counsel appearing for the Writ petitioners states that two incentive increments were granted to the Writ petitioners on possessing the higher Educational qualification in accordance with the Government order. However, the writ petitioners are challenging the clarification issued by the Government in Letter No. 129, School Education (PK 5(2)) 2013-1 dated 17.07.2013, stating that the clarification states that the incentive increments should be granted from the date of the Government Order and not from the date of acquisition of the Higher Educational qualification.

3.However, the learned Government Advocate, who appears on behalf of the respondents states that no recovery proceedings are initiated.

4.However, the Learned counsel appearing for the Writ petitioner states that the benefits were already granted and by way of clarification, the respondents are attempting to take away the benefit from the writ petitioners. Such a ground raised by the writ petitioners is presumptive in nature.

5.This Court is of an opinion that as of now, no proceedings are initiated by the competent authority either to recover the excess payments or to stop the increments already granted in favour of the writ petitioner. In the absence of any such grievances, the writ petition cannot be entertained.

6. In this view of the matter, the writ petitioners have not established any cause of action for the purpose of moving the present writ petition. However, the present writ petition has been filed based on the apprehension that the clarification will be a hindrance for the writ petitioners for continuance of the increments already granted in their favour. Such an apprehension cannot be entertained in the absence of any cause of action, or any action initiated in this regard.

7. This being the factum of the case, the ground raised in this writ petition deserves no further consideration at all. Accordingly, the writ petition stands dismissed with the above observation. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sk

To

1. The Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Erode District, Erode.

W.P.No.6347 of 2014

srg 20/09/2018

सत्यमेव जयते

WEB COPY