

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.967 to 970 of 2018 and 31186 of 2017

V.Amudha .. Petitioner
in W.P.No.967/2018

J.Malliga .. Petitioner
in W.P.No.968/2018

P.Jayanthi .. Petitioner
in W.P.No.969/2018

K.C.Vijayalakshmi .. Petitioner
in W.P.No.970/2018

S.Ramani .. Petitioner
in W.P.No.31186/2017

Vs

- 1.The District Elementary Educational Officer,
Thiruvallur District,
Thiruvallur.
- 2.The Additional Assistant Elementary
Educational Officer,
Ellapuram Union - 601 102.
At Periyapalayam,
Thiruvallur Distrit. .. Respondents
in W.P.Nos.967 to 970/2018.
- 1.District Elementary Educational Officer,
Kanchipuram District,
Kanchipuram.
- 2.The Additional Assistant Elementary
Educational Officer,
Thirukalukundram Union,
Kanchipuram District. .. Respondents
in W.P.No.31186/2017

Prayer in W.P.No.967/18: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned

proceedings issued by the second respondent in Na.Ka.No.442/A1/2017, dated 15.11.2017 and the consequential impugned proceedings issued by the second respondent in Na.Ka.No.497/A1/2017, dated 18.12.2017 and to quash the same insofar as the petitioner is concerned and consequently direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

Prayer in W.P.No.968/18: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.442/A1/2017, dated 15.11.2017 and the consequential impugned proceedings issued by the second respondent in Na.Ka.No.497/A1/2017, dated 18.12.2017 and to quash the same and consequently direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

Prayer in W.P.No.969/18: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.442/A1/2017, dated 15.11.2017 and the consequential impugned proceedings issued by the second respondent in Na.Ka.No.497/A1/2017, dated 18.12.2017 and to quash the same insofar as the petitioner is concerned and consequently direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

Prayer in W.P.No.970/18: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.442/A1/2017, dated 15.11.2017 and the consequential impugned proceedings issued by the second respondent in Na.Ka.No.497/A1/2017, dated 18.12.2017 and to quash the same insofar as the petitioner is concerned and consequently direct the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

Prayer in W.P.No.31186/17: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records relating to the impugned proceedings issued by the second respondent in Na.Ka.No.182/A1/2017, dated 24.11.2017 and to quash the same and consequently direct the respondents to continue to pay the incentive increment payable to the petitioner for acquiring B.Ed., degree in compliance to the Government orders.

In All WPs
For petitioner : Mr.G.Sankaran

For respondents : Mr.P.Raja, GA

COMMON ORDER

The petitioners have filed these writ petitions challenging the impugned recovery proceedings dated 15.11.2017 issued by the second respondent cancelling the incentive increment already granted for acquiring B.Ed. Qualification.

2. It is submitted by the learned counsel for the petitioners that as per the order passed by the State Government in G.O.Ms.No.107, Education Department, dated 20.01.1976, Tamil Pandits Grade-2 are allowed to get two sets of advance increments as incentive increment for acquiring the qualification of B.T./B.Ed. Therefore, according to the said G.O., the petitioner were granted with incentive increment for having acquiring B.Ed. Degree. However, now, the present impugned proceedings have been passed cancelling the incentive increment already granted to the petitioners, that too, without notice. Besides, it is stated, G.O.Ms.No.42, Education, Science and Technology Department, dated 10.01.1969, permits grant of incentive increment for teachers acquiring additional qualification. Therefore, it is contented, had there been a notice given to the petitioners, they would have explained satisfactorily by convincing the respondents not to issue the impugned recovery proceedings, hence, he pleaded, the impugned proceedings are liable to be quashed as it is against the principles of Audi Alterem Partem.

3. Mr.P.Raja, learned Government Advocate, by accepting notice for the respondents and also by taking note of the fact that the impugned recovery proceedings have been issued without prior notice to the petitioners, is unable to support the impugned proceedings.

4. Therefore, this Court, by considering the fact that the impugned recovery proceedings have been passed without issuing any notice to the petitioners, hereby directs the petitioners to submit their explanation treating this impugned proceedings as notices issued to them calling for an explanation why the incentive increments already granted should not be cancelled. Accordingly, the petitioners are directed to submit their explanation within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents shall pass an order on merits and in accordance with law, within a period of four weeks thereafter.

5. With the above directions, the writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The District Elementary Educational Officer,
Thiruvallur District,
Thiruvallur.

2.The Additional Assistant Elementary
Educational Officer,
Ellapuram Union - 601 102.
At Periyapalayam,
Thiruvallur Distrit.

3.District Elementary Educational Officer,
Kanchipuram District,
Kanchipuram.

4.The Additional Assistant Elementary
Educational Officer,
Thirukalukundram Union,
Kanchipuram District.

+ 1 cc to M/s. G. Sankaran, Advocate Sr.11529
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+ 1 cc to Mr. Government Pleader Sr.12170

W.P.Nos.967 to 970 of 2018 and
31186 of 2017

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