

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.5384 of 2015

- 1.M.Ganesh
- 2.K.Subhashini
- 3.E.Karththikeyan
- 4.G.Kumaravel
- 5.K.Thayalan
- 6.R.Murugan
- 7.Esther Jeyanthi Ruby
- 8.A.Tamizharasi
- 9.R.Ananda Kumaran
- 10.D.Muthukrishnaveni
- 11.M.Amutha Sharmila
- 12.D.Elumalai
- 13.N.Thirumalai
- 14.N.Selvaraj
- 15.S.Senthil Velavan
- 16.M.Senthil Kumar
- 17.R.Chinnadurai
- 18.C.Ramkumar
- 19.P.Aron
- 20.V.Sankar
- 21.R.Selvarasu

... Petitioners

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,
Villupuram District, Villupuram.

- 4.The Headmaster,
Government Higher Secondary School,
Ponnankuppam,
Villupuram District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying for an issuance of 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.Saseetharan

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 Government 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 to the petitioners for M.Phil. degree, from the date following the last date of the examination.

2. The learned counsel for the writ petitioners states that two incentive increments were granted to the writ petitioners on acquiring the higher educational qualification, in accordance with Government Orders. However, the writ petitioners are challenging the clarification issued by the Government in Letter (Ms) No. 129, School Education [PK 5(2)] 2013-1 dated 17.07.2013, in which, it is stated that the incentive increments should be granted from the date of the Government Order and not from the date of acquisition of higher educational qualification.

3. However, the learned Government Advocate, appearing on behalf of the respondents states that no recovery proceedings have been initiated.

4. However, the learned counsel for the writ petitioners states that the benefits were already granted and by way of clarification, the respondents are attempting to take away the benefits 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 payment or to stop the increments, already granted in favour of the writ petitioners. 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 the 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 grounds raised in this writ petition deserves no further consideration at all. Accordingly, the writ petition stands dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
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,
Villupuram District, Villupuram.
4. The Headmaster,
Government Higher Secondary School,
Ponnankuppam,
Villupuram District.

+1cc to Mr.R.Saseetharan, Advocate sr.no.66776
+1cc to Government Pleader sr.no.66634

W.P.No.5384 of 2015

rk(co)
nr 16/10/2018