



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2018

CORAM :

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).Nos.1486 to 1491 of 2018

and

W.M.P.(MD).Nos.1559 to 1564 of 2018

and

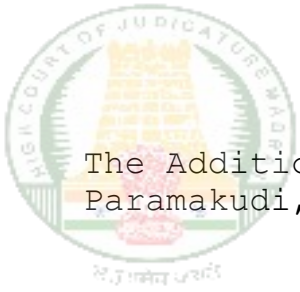
W.M.P.(MD).Nos.3471, 3466, 3470, 3680, 3544 of 2018

in WP(MD)Nos.1486 to 1489 & 1491 respectively

B.Alli Rani	: Petitioner in WP(MD)No.1486/2018
S.Vijayakumari	: Petitioner in WP(MD)No.1487/2018
J.Paulin	: Petitioner in WP(MD)No.1488/2018
P.Nirmala	: Petitioner in WP(MD)No.1489/2018
K.Stephen Manoharan	: Petitioner in WP(MD)No.1490/2018
G.Surendranath	: Petitioner in WP(MD)No.1491/2018

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.Geroge,
Chennai-600 009.
 2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006. : 1st & 2nd Respondents in all cases
 3. The District Elementary Educational Officer,
Thanjavur District, Thanjavur. : 3rd Respondent in
WP(MD)Nos.1486 to 1488/2018 &
1491/2018
 4. The Assistant Elementary Educational Officer,
Thanjavur Town, Thanjavur. : 4th Respondent in
WP(MD)Nos.1486 to 1488/2018
- The District Elementary Education Officer,
Ramanathapuram District,
Ramanathapuram. : 3rd Respondent in
WP(MD)Nos.1489 and 1490/2018
- The Assistant Elementary Educational Officer,
Thiruvadanai, Ramanathapuram. : 4th Respondent in
WP(MD)No.1489/2018



The Additional Assistant Elementary Educational Officer,
Paramakudi, Ramanathapuram District. : 4th Respondent in
WP (MD) No.1490/2018

The Assistant Elementary Educational Officer,
Papanasam, Thanjavur District. : 4th Respondent in
WP (MD) No.1491/2018

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the respective fourth respondent in Na.Ka.No.952/A1/A2/2017 dated 15.12.2017, 27.11.2017 and 27.11.2017 (in W.P(MD)Nos.1486 to 1488 of 2018, proceedings in Na.Ka.No.941/A1/2017 dated 21.12.2017 in WP(MD) No.1489/2018) Na.Ka.No.2468/A1/2016 dated 09.12.2016 and Na.Ka.No.1330/A1/2017 dated 23.11.2017 in WP(MD)No.1490/2018 and proceedings in Na.Ka.No.29/A2/2018 dated 10.01.2018 in WP(MD) No.1491/2018 and to quash the same and consequently directing the respondents to continue to pay the incentive increment to the petitioner for acquiring B.Ed., degree.

For Petitioner : Mr.C.Santhosh Kumar in all WPs
For Respondents : Mr.Jeyakumar
Additional Government Pleader
(in all Wps)

COMMON ORDER

Mr.Jeyakumar, learned Additional Government Pleader, takes notice on behalf of the respondents.

By consent of both parties, the main Writ Petitions themselves are taken up for final disposal.

3.Heard Mr.C.Santhosh Kumar, learned counsel, appearing for the petitioners and Mr.Jeyakumar, learned Additional Government Pleader, takes notice on behalf of the respondents in all these Writ Petitions.

4.The petitioners question the impugned proceedings dated 15.12.2017, 27.11.2017, 27.11.2017, 21.12.2017, 09.12.2016, 23.11.2017 and 10.01.2018, whereby the recoveries of incentive increments already given were ordered. This Court granted interim order on the ground that the petitioners were not put on notice.

5.When the matters were taken up for disposal, the learned Additional Government Pleader appearing for the respondents furnished a copy of the Government Letter dated 10.10.2017, pursuant to which the impugned orders of recovery were passed. In the impugned recovery orders themselves there is a reference to the said



communication dated 10.10.2017. The order impugned in the Writ Petitions are only consequential proceedings. Therefore, it is for the petitioners to question the primary order based on which the impugned orders were passed. Therefore, as such the Writ Petitions are not maintainable.

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6.The learned counsel appearing for the petitioners submit that they were not furnished with a copy of the Government letter dated 10.10.2017.

7.There is some merit in the submission. Therefore, even while dismissing these Writ Petitions, liberty is given to the petitioners to file a fresh Writ Petition questioning the order dated 10.10.2017, issued by the first respondent. It is made clear that the recovery order impugned in these Writ Petitions will be kept in abeyance for a period of six weeks from the date of receipt of a copy of this order.

8.The Writ Petitions are dismissed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Fort St.Geroge,
Chennai-600 009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
3. The District Elementary Educational Officer,
Thanjavur District, Thanjavur.
4. The Assistant Elementary Educational Officer,
Thanjavur Town, Thanjavur.
5. The District Elementary Education Officer,
Ramanathapuram District,
Ramanathapuram.



6. The Assistant Elementary Educational Officer,
Thiruvadanai, Ramanathapuram.

7. The Additional Assistant Elementary Educational Officer,
Paramakudi, Ramanathapuram District.

8. The Assistant Elementary Educational Officer,
Papanasam, Thanjavur District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 52974

TSG

TE/SV-MMS/SAR-4 : 12/06/2018 : 4P/10C

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