



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2018

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**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.A.(MD).No.945 of 2014 and
M.P.(MD).No.1 of 2014

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Sivagangai.
3. The District Educational Officer,
Devakottai. ... Appellants/Respondents 1-3

Vs.

1. A.Jesintha Fathima Rani ... 1st Respondent/Petitioner
2. The Correspondent,
St.Sebastian High School,
Koothalur Post. ... 2nd Respondent/4th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letter Patent, against the order passed by this Court in W.P.(MD)No.9974 of 2008 dated 10.04.2013.

Prayer in WP(MD)No.9974 of 2008 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified mandamus, to call for the records relating to the proceedings I Mu.Mu.A.3/4717/2000 dated 04/12/2000 passed by the third respondent and the proceedings in O.Mu. No. 5332/A3/01 dated 22/12/2003 passed by the second respondent, confirming the order of the third respondent and the proceedings in O.Mu.No. 45863/K2/05 dated 17/08/2005 passed by the first respondent and quash the same and consequently directing the respondents repay the recovered amount of Rs. 13,176/- to the petitioner and to direct the respondents to continue to pay the incentive increment to the petitioner for having acquired M.Ed. qualification by refixing the pay.



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For Appellant : Mrs.S.Srimathi
Special Government Pleader
For R1 : Mr.A.Thirumurthy for
M/s.Victory Associates
For R2 : No appearance

JUDGMENT

[Judgment of the Court was made by M.M.SUNDRESH,J.]

This writ appeal is preferred against the order of the learned Single Judge, who allowed the writ petition.

2.Insofar as the claim towards two advance increments is concerned, it was sought to be recovered unilaterally, in pursuant to the audit objection.

3.In law, they cannot recover without notice and based upon mere audit objection. It is not as if the first respondent has committed fraud and obtained incentives. Thus, we do not find merit in this appeal. Hence, this Writ Appeal is dismissed. However, the issue is left open to the parties. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The Director of School Education,
College Road, Chennai-600 006.
2. The Chief Educational Officer,
Sivagangai.
3. The District Educational Officer,
Devakottai.

+ 1 CC TO Mr.A.THIRUMURTHY, ADVOCATE IN SR No. 78578
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78560

NS

TE/RP/SAR-1 : 03/09/2018 : 2P/6C