

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.03.2019
CORAM
THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.23510,23511,23512, 23513,23514,23515,
23516,23517,23518,23519,23520,23521,23522,23523,23524,
32906,32926,32921,32919,30057,32914,33502,33639,34527 of 2018
and
WMP.Nos.4338,4337,4335,4334,4005,4003,4002,4001,3992,27473,27471
,27469,27467,27465,27463,27461,27459,27457,4333,4332,4007,4006,
4331,4320,5977 of 2019,
27455,27453,27451,27449,27447,27445,35072,35073,38161,38158,
38153,38149,38146,38143,38142,38136,38134,38154,40067, 38879 of
2018

A.Nagarajan ...PETITIONER IN W.P.NO.23510 of 2018
G.VASUKI ... PETITIONER in WP No.23511 of 2018
R.SAROJINI ... PETITIONER in WP No.23512 of 2018
S.CATHRIN ... PETITIONER in WP No.23513 of 2018
D.SUBRAMANIAN ... PETITIONER in WP No.23514 of 2018
A.LALLI ... PETITIONER in WP No.23515 of 2018
V.AMUTHA ... PETITIONER in WP No.23516 of 2018
P.MURUGAN ... PETITIONER in WP No.23517 of 2018
N.VIJAYALAKSHMI ... PETITIONER in WP No.23518 of 2018
M.MURUGESAN ... PETITIONER in WP No.23519 of 2018
K.RAJENDRAN ... PETITIONER in WP No.23520 of 2018
A.AMUDHA ... PETITIONER in WP No.23521 of 2018
R.SIVASANKARI ... PETITIONER in WP No.23522 of 2018
P.POONGAVANAM ... PETITIONER in WP No.23523 of 2018
G.SUMATHI ... PETITIONER in WP No.23524 of 2018
S.VANMATHI ... PETITIONER IN WP NO.32906 of 2018
R.SENTHAMIZH SELVI ... PETITIONER IN WP.NO.32926 of 2018

C.THENMOZHI ... PETITIONER IN WP.NO.32921 of 2018
K.SUSEELA ... PETITIONER IN WP.NO.32919 of 2018
G.RAMANUJAM ... PETITIONER IN WP.NO.30057 of 2018
R.KALIYAPERUMAL ... PETITIONER IN WP.NO.32914 of 2018
V.JAYA SUDHA ... PETITIONER IN WP.NO.33502 of 2018
M.TAMIZHMANI ... PETITIONER IN WP.NO.33639 of 2018
P.S.THUYA ... PETITIONER IN WP.NO.34527 of 2018

Vs

1. THE STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, FORT.ST.GEORGE,
CHENNAI - 600 009.
2. THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI - 600 006.
3. THE ELEMENTARY EDUCATIONAL OFFICER,
THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT, VILLUPURAM.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUNAVAILUR BLOCK,
VILLUPURAM DISTRICT.

... Respondents IN WP.23510 TO 23524 OF 2018

1. THE STATE OF TAMILNADU,
REP. BY ITS PRINCIPAL SECRETARY
SCHOOL EDUCATION DEPARTMENT
FORT.ST GEORGE, CHENNAI-9
2. THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS COLLEGE ROAD,
CHENNAI-6.
3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT, VILLUPURAM.

4. THE BLOCK EDUCATIONAL OFFICER I & II,
THYAGADURUGAN BLOCK,
VILLUPURAM DISTRICT

COMMON RESPONDENTS IN 32906, 32926,
32921 & 32919/18

1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER
VILLUPURAM DISTRICT

2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER
THIRUKOVILUR VILLUPURAM DISTRICT

RESPONDENTS IN 30057 OF 2018

1 THE STATE OF TAMIL NADU
REP BY ITS PRINCIPAL SECRETARY
SCHOOL EDUCATION DEPARTMENT
FORT ST. GEROGE
CHENNAI 600 009

2 THE DIRECTOR OF ELEMENTARY EDUCATION
DPI CAMPUS COLLEGE ROAD
CHENNAI 600006

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER
VILLUPURAM DISTRICT
VILLUPURAM

4 THE BLOCK EDUCATIONAL OFFICER -I
THYAGADURUGAM BLOCK VILLUPURAM

RESPONDENTS IN WP.32914 OF 2018

1 THE DIRECTOR
DIRECTORATE OF SCHOOL EDUCATION
COLLEGE ROAD CHENNAI-6

2 THE CHIEF EDUCATIONAL OFFICER
VELLORE DISTRICT

3 THE HEADMASTER
GOVERNMENT HIGHER SECONDARY SCHOOL
VELLORE-13

RESPONDENTS IN WP.NO. 33502 OF 2018

- 1 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER
DISTRICT ELEMENTARY EDUCATIONAL OFFICE
TIRUVANNAMALAI DISTRICT
- 2 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER
ASSISTANT DISTRICT EDUCATIONAL OFFICE
POLUR, THIRUVANNAMALAI DISTRICT

RESPONDENT IN WP.NO.33639 OF 2018

- 1 THE DIRECTOR OF ELEMENTARY EDUCATION
DPI CAMPUS COLLEGE ROAD CHENNAI-6
- 2 THE CHIEF EDUCATIONAL OFFICER
PRESIDENCY GIRLS HIGHER SECONDARY SCHOOL CAMPUS
GENJGUREDDY ROAD
EGMORE CHENNAI-8
- 3 THE DISTRICT EDUCATIONAL OFFICER
CHENNAI EAST MODEL HIGHER SECONDARY SCHOOL CAMPUS
AVVAI SHANMUGAM SALAI
CHENNAI-5
- 4 THE BLOCK EDUCATIONAL OFFICER
TRIPPLICANE RANGE CHENNAI-5
- 5 THE CORRESPONDENT
H.H.MANDAL MIDDLE SCHOOL
NO 7 PILLAIYAR
KOVIL STREET
TRIPPLICANE CHENNAI-5

RESPONDENTS IN WP.34527 OF 2018

COMMON PRAYER IN WPS.23510, 23511, 23512, 23513 TO 23524/18:
Writ Petition filed under Article 226 of the Constitution of India, to issue a writ or order or orders or direction particularly in the nature of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 1st respondent in letter No.3702/Tho.ka (2)/2017 dated 10.10.2017 and the consequential impugned proceedings issued by the 4th respondent in Na.Ka.No.116/A1/2018 dated 05.04.2018 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 with revision scale of pay with reference to recommendations of VIIth pay commission.

COMMON PRAYER IN WP.32906/18, 32926/18, 32921/18 AND 32919/18:
Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ or order or direction in the nature of a

writ calling for the records pertaining to the impugned proceedings issued by the 1st respondent in Letter No. 3702/Tho.Ka(2)/2017 dated 10.10.2017 and the consequential impugned proceedings issued by the 4th respondent in Na.Ka.No. 900/ A1/2018 dated 29.10.2018, 26.11.2018 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 with revision scale of pay with reference to recommendation of 7th pay commission.

WP.NO. 30057 OF 2018:

Writ Petition praying to Call for the records pertaining the impugned proceedings of the 2nd respondent dated 27.10.2017 in Na.Ka.No.1529/A1/2017 and quash the same and consequently directing the respondents restoring the incentive increment for B.Ed. and M.A. qualifications acquired by the petitioner as granted by the proceedings of the 2nd respondent dated 22.05.2014 and 29.12.2015 in Mu.Mu.No.A1/2014 and Mu.Mu.No.948/A1/2015 respectively

WP.NO.32914 OF 2018 :

calling for the records pertaining to the impugned proceedings issued by the 1st respondent in Letter No. 3702/Tho.Ka(2)/2017 dated 10.10.2017 and the consequential impugned proceedings issued by the 4th respondent in Na.Ka.No. 900/ A1/2018 dated 26.11.2018 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 with revision scale of pay with reference to recommendation of 7th pay commission

WP.NO. 33502 OF 2018:

To calling for the entire records which culminated in the order passed by the 3rd respondent in Proceedings NA.KA.NO 335/2016-2017 dated 19-7-2018 quash the same and consequently direct the respondents to permit the petitioner to draw the incentive increment for having possessed higher qualification

WP.NO.33639 OF 2018 :

To call for the records of the impugned rejection order passed in Na. Ka. No. 348/A1/2017 dated 17.4.2017 by the 2nd respondent and quash the same as illegal and consequently direct the respondents to grant incentive increment to the petitioner for his higher educational qualification (M.Com. B.Ed) from the date of his eligible

WP.NO.34527 OF 2018:

To call for the records relating to the impugned proceedings issued by the 3rd respondent in NA.KA.NO 4578/A3/2018 dated 03-12-2018 and to quash the same and consequently directing the respondents to continue to pay the incentive increment in favour of the petitioner for acquiring B.LIT B.ED Higher qualification.

For W.P.Nos.23510,23511,23512, 23513,23514,23515,
23516,23517,23518,23519,23520,23521,23522,23523,23524,
34527 of 2018

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.A.Rajaperumal
Addl.govt.Pleader

For W.P.No.30057 of 2018

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.A.Rajaperumal
Addl.govt.Pleader

For W.P.Nos.32906,32926,32921,32919, 32914 of 2018

For Petitioner : Mr.R.Prabudoss
For Respondents : Mr.A.Rajaperumal
Addl.govt.Pleader

For W.P.No.33502 of 2018

For Petitioner : Mr.T.Sellapandian
For Respondents : Mr.A.Rajaperumal
Addl.govt.Pleader

For W.P.No.33639 of 2018

For Petitioner : Mr.K.Gandhikumar
For Respondents : Mr.A.Rajaperumal
Addl.govt.Pleader

COMMON ORDER

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 No.3702/Tho.ka (2)/2017 dated 10.10.2017 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 B.Ed. Degree with revision scale of pay with reference to recommendations of VIIth pay commission.

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. letter No.3702/Tho.ka (2)/2017 dated 10.10.2017, 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 maintaining 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 disposed of with the above

observation. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

Pkn

To

1. THE PRINCIPAL SECRETARY TO
THE STATE OF TAMIL NADU,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, FORT.ST.GEORGE,
CHENNAI - 600 009.
2. THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI - 600 006.
3. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER/
THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
VILLUPURAM DISTRICT, VILLUPURAM.
4. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER/
THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUNAVAILUR BLOCK,
VILLUPURAM DISTRICT.
5. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
THIRUKOVILUR, VILLUPURAM DISTRICT.
6. THE BLOCK EDUCATIONAL OFFICER I & II,
THYAGADURUGAM BLOCK,
VILLUPURAM DISTRICT.
7. THE CHIEF EDUCATIONAL OFFICER,
VELLORE DISTRICT.
8. THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
VELLORE - 13.
9. THE DISTRICT ELEMENTARY,
EDUCATIONAL OFFICER,
DISTRICT ELEMENTARY EDUCATIONAL OFFICE,
POLUR, THIRUVANNAMALAI DISTRICT

10. THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
ASSISTANT DISTRICT EDUCATIONAL OFFICE,
POLUR, THIRUVANNAMALAI DISTRICT.

11. THE CHIEF EDUCATIONAL OFFICER,
CHENNAI EAST, MODEL HIGHER SECONDARY SCHOOL CAMPUS,
AVVAI SHANMUGAM SALAI,
CHENNAI-5.

12. THE BLOCK EDUCATIONAL OFFICER,
TRIPLICANE RANGE,
CHENNAI-5.

13. THE CORRESPONDENT,
H.H.MAN MIDDLE SCHOOL,
NO.7, PILLIYAR KOVIL STREET,
TRIPLICANE, CHENNAI - 5.

14. THE CHIEF EDUCATIONAL OFFICER,
PRESIDENCY GIRLS HIGHER SECONDARY SCHOOL CAMPUS,
GENJGUREDDY ROAD,
EGMORE, CHENNAI - 8.

+1cc to Mr. K.GANDHI KUMAR, Advocate, S.R.No.27026

+1cc to Mr. S.MANI, Advocate, S.R.No.27065

+1cc to Mr. R.NALLIYAPPAN, Advocate, S.R.No.26629

+2cc to Mr. G.SANKARAN, Advocate, S.R.No. 26640 & 26642

+5cc to Mr. R.PRABUDOSS Advocate, S.R.No. 27196-27200

+6cc to the Government Pleader, S.R.No.26806 - 26809 & 26817 &
26818

W.P.Nos.23510,23511,23512, 23513,23514,23515,
23516,23517,23518,23519,23520,23521,23522,23523,23524,32906,
32926,32921,32919,30057,32914,33502,33639,34527 of 2018

KAN(CO)
GN(29/04/2019)

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