

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.25139, 25157, 25165, 25166, 25174, 25183, 25489, 25499,
25516, 25534 and 25679 of 2019

and

W.M.P.Nos.25016, 25022, 25027, 25030, 25044, 25047, 25066,
25127, 25162, 25163, 24707, 24714, 24722, 24727, 24734, 24737,
24738, 24742, 24744, 24745, 24756 and 24758 of 2019

K.GEETHA ... PETITIONER in WP No.25139 of 2019
R.ANJAMMAL ... PETITIONER in WP No.25157 of 2019
A.ANTONY AROCKIARAJ ... PETITIONER in WP No.25165 of 2019
N.REUNKA ... PETITIONER in WP No.25166 of 2019
N.PREMA ... PETITIONER in WP No.25174 of 2019
S.ANNARAJ ... PETITIONER in WP No.25183 of 2019
V.SELVI ... PETITIONER in WP No.25489 of 2019
A.BELIGANROSE ... PETITIONER in WP No.25499 of 2019
R.BALU ... PETITIONER in WP No.25516 of 2019
R.RAVI ... PETITIONER in WP No.25534 of 2019
G.MURUGAVEL ... PETITIONER in WP No.25679 of 2019

-VS-

1 THE GOVERNMENT OF TAMIL NADU... 1ST RESPONDENT in WPNo.25139/19
REP BY ITS 25157/19, 25165 of 2019, 25166/2019
PRINCIPLE SECRETARY, 25174/19, 25183/2019,
SCHOOL EDUCATION DEPARTMENT , 25534/19, 25679/2019
FORT.ST.GEORGE CHENNAI-9

2 THE DIRECTOR OF ELEMENTARY
EDUCATION, COLLEGE ROAD,
NUNGAMBAKKAM CHENNAI- 6

2ND RESPONDENT in WP No.25139/19
25157/19, 25165 of 2019, 25166/2019
25174/19, 25183/2019, 25489/2019,25499/19
25516/19,25534/19&25679/19

3 THE DISTRICT ELEMENTARY
EDUCATIONAL OFFICER,
NAGAPATTINAM DISTRICT

3RD RESPONDENT in WP No.25139/19
25157/19, 25165 of 2019, 25166/2019
25174/19, 25183/2019, 25489/2019,25499/19
25516/19,25534/19&25679/19

4 THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
KOLLIDAM,
NAGAPATTINAM DISTRICT

[4TH RESPONDENT IN WP 25139/19, 25489/19
25516/19]

THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
KEELAIYUR,
NAGAPATTINAM DISTRICT

...4 TH RESPONDENT in WP No.25165 of 2019
25499/19 ,25534/19&25679/19

THE GOVERNMENT OF TAMIL NADU

... 1st RESPONDENT in WP No.25489 /19,
25499/19/&25516/19
REP. BY ITS
CHIEF SECRETARY SCHOOL
EDUCATION DEPARTMENT FORT.ST.GEORGE
CHENNAI 600 009.

THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
KOLLIDAM,
NAGAPATTINAM DISTRICT

..4TH RESPONDENT IN
WP.25179/19,25166/19,25174/19

THE BLOCK DEVELOPMENT OFFICER,
NAGAPATTINAM , NAGAPATTINAM DISTRICT.

..4TH RESPONDENT IN WP.NO.25183/19,25516/19

WP No.25139 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.NO 012605/E1/2015 dated 8.11.2017 and the order passed by fourth Respondent by his Proceedings vide NA.KA.NO 1428/A1/2017 dated 22.11.2017 and quash and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.E.D. Degree with arrears.

WP No.25157 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.No. 012605/E1/2015 dated 8.11.2017 and the order passed by fourth Respondent by his Proceedings vide NA.KA.No.1428/A1/2017 dated 22.11.2017 and quash and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.E.D. Degree with arrears

WP No.25165 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.No. 012605/E1/2015 dated 8.11.2017 and order passed by fourth Respondent by his Proceedings vide NA.KA.No. /A1/2018 dated 10.05.2018 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.E.D. Degree with arrears

WP No.25166 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government

letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.NO 012605/E1/2015 dated 08.11.2017 and order passed by the 4th respondent by his Proceedings vide NA.KA.NO 1428/A1/2017 dated 22.11.2017 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.Ed. Degree with arrears

WP No.25174 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.NO 012605/E1/2015 dated 8.11.2017 and order passed by 4th Respondent by his Proceedings vide NA.KA.NO 1428/A1/2017 dated 22.11.2017 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.E.D.Degree with arrears

WP No.25183 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the First Respondent by its Proceedings vide Government letter No 3702/THO.KA1(2)/2017 dated 10.10.2017 and consequential order passed by the second Respondent by his Proceedings vide NA.KA.NO 012605/E1/2015 dated 8.11.2017 and the order passed by 4th Respondent by his Proceedings VIDE NA.KA.NO 034/A1/2018 dated 12.12.2018 quash the same and issue a consequential direction to the respondents to grant incentive increment to the Petitioner for acquiring B.E.D.Degree with arrears

WP No.25489 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the 1st respondent by its proceedings vide Government letter No.3702/Tho.Ka1(2) 2017 dated 10/10/2017 and consequential order passed by the 2nd respondent by his proceedings vide Na.Ka.No.012605 /E1 /2015 dated 08/11/2017 and order passed by 4th respondent by his proceedings vide Na.Ka.No.1428/A1/2017 dated 22/11/2017 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.Ed. degree with arrears.

WP No.25499 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the 1st respondent by its proceedings vide Government letter No.3702/Tho.Kal(2) 2017 dated 10/10/2017 and consequential order passed by the 2nd respondent by his proceedings vide Na.Ka.No.012605 /E1 /2015 dated 08/11/2017 and order passed by 4th respondent by his proceedings vide Na.Ka.No.307/A1/2018 dated 10/05/2018 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.Ed. degree with arrears.

WP No.25516 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the 1st respondent by its proceedings vide Government letter No.3702/Tho.Kal(2) 2017 dated 10/10/2017 and consequential order passed by the 2nd respondent by his proceedings vide Na.Ka.No.012605 /E1 /2015 dated 08/11/2017 and order passed by 4th respondent by his proceedings vide Na.Ka.No.34/A1/2018 dated 13/12/2018 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.Ed. degree with arrears.

WP No.25534 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the 1st respondent by its proceedings vide Government letter No.3702/Tho.Kal(2) 2017 dated 10/10/2017 and consequential order passed by the 2nd respondent by his proceedings vide Na.Ka.No.012605 /E1 /2015 dated 08/11/2017 and order passed by 4th respondent by his proceedings vide Na.Ka.No.307/A1/2018 dated 10/05/2018 and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.Ed. degree with arrears.

WP No.25679 of 2019

Writ Petition filed under article 226 of the constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, Calling for the records relating to the order passed by the 1st respondent by its proceedings vide Government letter No.3702/Tho.Kal(2) 2017 dated 10/10/2017 and consequential order passed by the 2nd respondent by his proceedings vide Na.Ka.No.012605 /E1 /2015 dated 08/11/2017 and order passed by 4th respondent by his proceedings vide Na.Ka.No.1125/A1/2018 dated 10/06/2018 and quash the same and issue a consequential

direction to the respondents to grant incentive increment to the petitioner for acquiring B.Ed. degree with arrears.

For Petitioners : Mr. V.Thirupathi
(In all W.Ps)

For Respondents : Ms.P.Kavitha
(In all W.Ps) Government Advocate

COMMON ORDER

The case of the petitioners is that they were initially appointed as Secondary Grade Teacher and thereafter promoted as Middle School Head Masters. They were completed acquired qualifications for two advance increment due to which they were received advance increment. Subsequently, which was canceled by the fourth respondent without issuing any notice. Challenging the same the present writ petitions were filed.

2.The learned counsel for the petitioners submitted that the fourth respondent has passed an order of recovery without giving any notice to the petitioners. Hence, this Court to direct the fourth respondent to set-aside the impugned order and remanded back to the authorities for setting aside a fresh consideration.

3. Ms.P.Kavitha, learned Government Advocate appearing for the respondents agreed to receive an explanation from the petitioners and also agreed to pass an appropriate orders after receiving the explanation submitted by the petitioners.

4. Considering the facts and circumstances of this case and considering the limited request made by the learned counsel for the petitioners, I am inclined to issue directions to the petitioners to give an explanation within a period of one week from the date of receipt of a copy of this order and thereafter the respondents are directed to receive the explanation submitted by the petitioners and pass appropriate orders within a period of six (6) weeks from the date of receipt of a copy of this order. With the above directions, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tta

TO

1.THE PRINCIPLE SECRETARY,
GOVERNMENT OF TAMILNADU REP. BY,
SCHOOL EDUCATION DEPARTMENT,
FORT. ST. GEORGE, CHENNAI-600 009.

2.THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, NUNGAMBAKKAM,
CHENNAI-600 006.

3.THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
NAGAPATTINAM,
NAGAPATTINAM DISTRICT.

4.THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
KOLLIDAM,
NAGAPATTINAM DISTRICT.

5. THE ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
KEELAIYUR,
NAGAPATTINAM DISTRICT

6.THE CHIEF SECRETARY ,
SCHOOL EDUCATION DEPARTMENT,
FORT.ST.GEORGE ,
CHENNAI 600 009.

7. THE ADDITIONAL ASSISTANT ELEMENTARY
EDUCATIONAL OFFICER,
KOLLIDAM,
NAGAPATTINAM DISTRICT

8.THE BLOCK DEVELOPMENT OFFICER,
NAGAPATTINAM , NAGAPATTINAM DISTRICT.

+11CCs TO MR.V.THIRUPATHI , ADVOCATE SR.NO. 98885 TO 98895
+1 CC TO GOVERNMENT PLEADER SR.NO. 99400,99404,99405

W.P.Nos.25139, 25157, 25165, 25166, 25174,
25183, 25489, 25499, 25516, 25534 and 25679 of 2019
A.SK(27/01/2020)