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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.11.2020

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.15745 of 2020
and
W.M.P(MD)No.13192 of 2020

1.U.Priyadharshini
2.M.Esther Sarah Bai
3.I.Susai Arul
4.M.Senthil Kumar
5.A.Flora Fathima Rani
6.S.Philomy ... Petitioners

vs.

1.The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110002.

2.National Council for Teacher Education,
Rep. by its Member Secretary,
Hans Bhawan,
Wing-II, 1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.

3.State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Finance Department,
Secretariat,
Fort St. George,
Chennai - 600 009.

4.The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department,
Secretariat,
Fort St. George,
Chennai - 600009.

5.The Director of School Education,
DPI Campus,
Chennai - 600 006.

6.The Chief Educational Officer,
Theni District.

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7.The Chief Educational Officer,
Kanyakumari District.

8.The Chief Educational Officer,
Ramanathapuram District.

9.The District Educational Officer,
Uthamapalayam,
Theni District.

10.The District Educational Officer,
Thakkalai,
Kanyakumari District.

11.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

12.The Headmistress,
Government Higher Secondary School,
Silamarathupatty,
Theni District.

13.The Headmistress,
Government Higher Secondary School,
Eraniel,
Kanyakumari District.

14.The Headmistress,
Government Higher Secondary School,
Keelathooval,
Ramanathpuram District.

15.The Headaster,
S.K.A.Higher Secondary School,
Chinnamanur,
Theni District.

16.The Headmistress,
Government Higher Secondary School,
Uthamapalayam,
Theni District.

17.The Headmaster,
Government High School,
Cheramangalam,
Kanyakumari District.

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18.The Assistant Director of Audit,
Audit Department,
Pankajam Colony,
4th Cross Street,
Madurai - -09.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents 6 to 18 from initiating recovery action and cancelling the incentive increment granted to the petitioners for acquiring B.PEd Degree which is in accordance with the Government Order in G.O.Ms.No.177 School Education Department (PaKa5(2) Department dated 13.10.2016.

For Petitioners : Mr.T.Lajapathi Roy

For R-3 to R-11 : Mr.N.Shanmugaselvam,
Additional Government Pleader

ORDER

The Writ Petition is filed to forbear the respondents 6 to 18 from initiating recovery action and cancelling the incentive increment granted to the petitioners for acquiring B.P.Ed Degree as per the Government Order in G.O.Ms.No.177 School Education Department (PaKa5(2) Department dated 13.10.2016.

2. Heard the learned Counsel appearing for the petitioners and the learned Additional Government Pleader, who takes notice for the respondents 3 to 11. In view of the order going to be passed, there is no need to issue notice to the respondents 1 & 2 and 12 to 18.

3. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

4. The case of the petitioners is that the they were appointed in the post of Physical Education Teacher. Subsequently, they have completed their B.P.Ed Degree as per G.O.Ms.No.177 School Education Department, dated 13.10.2016 and for that, they were granted incentive increment. While the matter stood thus, audit objection has been raised in respect of the incentive increment granted to the petitioners for acquiring higher qualification of B.P.Ed Degree. Hence, the petitioners sent a detailed representation to the respondents on 05.10.2020 requesting not to initiate recovery action and not to cancel the incentive increment

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granted to the petitioners for acquiring B.PEd., Degree. Since the same has not been considered so far, the present Writ Petition is filed before this Court.

5. The learned Additional Government Pleader appearing for the fifth respondent submitted that the representation of the petitioners would be considered on merits and in accordance with law, within a time frame as fixed by this Court.

6. Considering the nature of the relief as sought for by the petitioners, without going into the merits of the case, the fifth respondent is directed to consider the representation of the petitioners dated 05.10.2020 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ls/pm

To

1. Additional Chief Secretary,
   Finance Department,
   State of Tamil Nadu,
   Secretariat,
   Fort St. George,
   Chennai - 600 009.

2.The Principal Secretary,
   State of Tamil Nadu,
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+1 CC to SGP (SR-21945[F] dated 11/11/2020)

+6 CC to M/s.T. LAJAPATHI ROY, Advocate (SR-21955[F] dated 11/11/2020)

W.P(MD)No.15745 of 2020

10.11.2020

PK(CO)
NR (27/11/2020) 6P : 26C

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