



WEB COPY

W.P.(MD)No.16989 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.16989 of 2020

and

W.M.P (MD) No.14206 of 2020

A.Glara Saroja

... Petitioner

Vs.

1. The Chief Educational Officer,
Kanyakumari,
Kanyakumari District.
2. The District Educational Officer,
SLB Government Girls High School Campus,
PWD Road, Nagercoil HO,
Nagercoil, Kanyakumari District.
3. The Chairman,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110002.
4. The Headmistress,
Government Higher Secondary School,
Thittuvilai, Bhoothapandy,
Kanyakumari District.
5. The Assistant Director of Audit,
Audit Department,
Pankajam Colony,
4th Cross Street,
Madurai-09.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, forbearing the respondent No.1 to 5 from initiating recovery action and cancelling the incentive increment granted to the petitioner for acquiring B.PEd Degree which is in accordance with the Government Order in G.O.Ms.No.177 School Education [PaKa5(2)] Department dated 13.10.2016.

For Petitioner	: Mr.T.Lajapathi Roy
For R-1 and R-2	: Mr.N.Shanmugaselvam
	Additional Government Pleader

**ORDER**

This Writ Petition has been filed by the petitioner forbearing the respondents 1 to 5 from initiating recovery action and cancelling the incentive increment granted to the petitioner for acquiring B.PEd Degree which is in accordance with the Government Order in G.O.Ms.No.177, School Education [PaKa5(2)] Department, dated 13.10.2016.

2.It is the case of the petitioner that she was appointed in the post of Physical Education Teacher on 11.09.1998 at P.Jeevanantham Government Girls High School, Bhoothapandy, Kanyakumari and then transferred to the fourth respondent school on 08.06.2000. There was an audit objection raised for granting incentive increment for acquiring higher qualification of B.P.Ed Degree. Until 2017 the school has been verified every year regularly by the audit, at the time there was no objection from the audit department. All of a sudden, they have raised audit objection that the petitioner obtained Degree in an unauthorized institution. Whereas according to the petitioner, it was a recognized institution and she has completed B.P.Ed degree from the Ramakrishna Mission Vivekananda University, Coimbatore, (deemed university as per section 3 of the University Grants Commission Act,1956). In this regard, the petitioner received a communication from the fourth respondent/Headmistress on 13.10.2020. Immediately, she has given a reply by way of representation dated 04.11.2020 to all the respondents. However, her representation has not been considered so far. Therefore, without any other options, the petitioner approached this Court by way of writ petition for appropriate orders.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that the audit objection raised by the auditor was that the petitioner obtained a Degree from the unrecognized institution. Therefore, she is not entitled to get incentive increments. Now, the petitioner has given a detailed representation stating that the University is a deemed recognized university and the same will be considered on merits and in accordance with law.

4.Upon perusal of the documents, *prima facie*, it appears that the petitioner obtained a degree from the recognized University. This fact has also brought into the knowledge of this Court by the petitioner. The respondent, who is responsible to clarify the audit objections can very well peruse the records submitted by the petitioner and provide appropriate instructions to the Audit Department/fifth respondent, so that the fifth respondent can take appropriate measures to remove the audit objection as already the petitioner getting the incentives based on the B.P.Ed degree. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.



5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

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+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR-23228.

W.P. [MD]No.16989 of 2020
27.11.2020

MJ(CO)

CS(23.12.2020) 3P 7C

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