



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 11078 of 2021
and W.M.P. No.11727 of 2021

A.Susainathan

.. Petitioner

Versus

- 1.The Chief Education Officer,
Kallakurichi, Villupuram District.
- 2.The District Education Officer,
Kallakurichi, Kallakurichi District.
- 3.Block Education Officer,
Kallakurichi Block,
Kallakurichi District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records relating to the impugned proceedings issued by the third respondent in Na.Ka.No.986/A1/2020 dated 18.02.2021 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.

For Petitioner : Mr.T.Balachandran
For Respondents : Mr.C.Kathiravan
Government Advocate

O R D E R

This writ petition is filed to quash the order of the third respondent in Na.Ka.No.986/A1/2020 dated 18.02.2021 and consequently to direct the respondents to continue to pay the incentive increment to the petitioner.

2. The petitioner has not filed his explanation to the show cause notice issued by the third respondent before passing impugned order. By issuing impugned order, it was pointed out that the petitioner is not eligible for any incentive increment for acquiring higher qualification. The impugned order also refers to the explanation in response to the show cause notice



issued by the third respondent. It is stated in the impugned order that the petitioner has admitted the excess payment and agreed for deduction from the future salary. Hence it can be presumed that the petitioner has no objection for passing the impugned order. Even though the petitioner was given an opportunity to show cause and the impugned order was passed only after considering the explanation, the petitioner has not challenged that portion of the order referring to his explanation. It is to be noted that the petitioner has raised a ground that the impugned order is in violation of principles of natural justice. Learned counsel for the petitioner has not even produced before this Court the explanation offered by him to demonstrate the findings of the third respondent in this regard are factually incorrect.

3. Hence this Court has no reason to set aside the impugned order passed by the third respondent. Having regard to the facts admitted before this Court and the failure to raise any ground to challenge the finding of the third respondent in the impugned order about the service of show cause notice and his explanations, this Court has no other option but to dismiss the writ petition as devoid of merits. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

bkn

To

- 1.The Chief Education Officer,
Kallakurichi, Villupuram District.
- 2.The District Education Officer,
Kallakurichi, Kallakurichi District.
- 3.Block Education Officer,
Kallakurichi Block, Kallakurichi District.

+1cc to the Government Pleader, S.R.No.29038

W.P. No. 11078 of 2021

RLD(CO)
CB(20/07/2021)