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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.22478 & 22485 OF 2021

AND

W.M.P.NOS.23705 & 23706 OF 2021

(Through Video Conferencing)

1.R.Senthilnathan

... Petitioner in W.P.No.22478 of 2021

2.S.Krishnakumar

... Petitioner in W.P.No.22485 of 2021

Vs

1. The Government of Tamil Nadu,
Rep by its Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.

2. The Commissioner (Director) of
School Education,
DPI Campus,
College Road, Chennai - 600 006.

3. The Director of Elementary Education,
School Education,
DPI Campus, College Road,
Chennai - 600 006.

4. The Regional Accounts Officer (AUDIT),
School Education Department,
Madurai - 625 002.

... Respondents in both W.Ps.



5. The Head Master,
Oriental Higher Secondary School,
Kumbakonam - 612 001.

... Respondent in W.P.No.22478 of 2021

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6. The Head Master,
Thiruvaduthurai Adeena Higher Secondary School,
Thiruvidaïmaruther - 612 104.
Tanjore District.

...Respondent in W.P.No.22485 of 2021

Prayer in W.P.No.22478 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to passed by the fourth respondent in Na.Ka.No.1076/A-8/2019 dated 09.07.2019 and quash the same as illegal and unconstitutional with a consequential direction, directing the respondents 1 to 5 to continue the payment of incentive increments for qualifying B.P.Ed., and also PG Diploma in Yoga as additional qualification in Physical education to the petitioners in pursuance to the G.O.Ms.No.177 dated 13.10.2016, School Education Department and for all consequential benefits.

Prayer in W.P.No.22485 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records relating to passed by the fourth respondent in Na.Ka.No.218/A-8/2021 dated 28.04.2021 and quash the same as illegal and unconstitutional with a consequential direction, directing the respondents 1 to 5 to continue the payment of incentive increments for qualifying B.P.Ed., and also PG Diploma in Yoga as additional qualification in Physical education to the petitioners in pursuance to the G.O.Ms.No.177 dated 13.10.2016, School Education Department and for all consequential benefits.

For Petitioners : Mr.S.Mohanavadivelan
(in both W.Ps)

For Respondents : Mr.L.S.M.Hasan Fizal
(in both W.Ps) Government Advocate
for R1 to R3
Mr.Vijay Shankar for R4



COMMON ORDER

These writ petitions are to be pre-mature as the petitioner has merely challenged an communication of the 4th respondent Audit General issued to the 5th respondent. The 5th respondent is directed to issue a proper show cause notice and only after the show cause notice is adjudicated, any recovery can be made. Therefore, there is no merits in these present writ petitions.

2. Accordingly, these Writ Petitions are dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.
2. The Commissioner (Director) of
School Education,
DPI Campus,
College Road, Chennai - 600 006.
3. The Director of Elementary Education,
School Education,
DPI Campus, College Road,
Chennai - 600 006.
4. The Regional Accounts Officer (AUDIT),
School Education Department,
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Kumbakonam - 612 001.

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6. The Head Master,
Thiruvaduthurai Adeena Higher Secondary School,
Thiruvidaimaruther - 612 104.
Tanjore District.

+1cc to the Government Pleader, S.R.No.55362

W.P.Nos.22478 & 22485 of 2021
and
W.M.P.Nos.23705 & 23706 of 2021

NMI(CO)
RLP(22/11/2021)