



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Fourth day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

WMP(MD) No.3547 of 2021
IN WP(MD) No.4401 of 2021

R.DEEBARANI

... PETITIONER/ PETITIONER

Vs

1 THE CHIEF EDUCATIONAL OFFICER,
O/O. THE CHIEF EDUCATIONAL OFFICE,
RAMANATHAPURAM DISTRICT.

2 THE DISTRICT EDUCATIONAL OFFICER,
O/O.THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

3 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
PARTHIBANUR, RAMANATHAPURAM DISTRICT. ...RESPONDENTS/RESPONDENTS

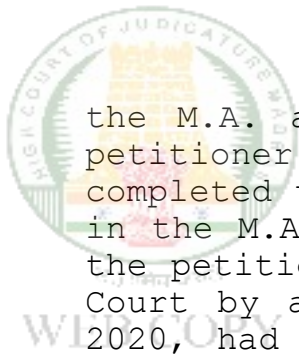
Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant an Ad-interim Stay of all the further proceedings of the impugned recovery order passed by the 3rd Respondent in his proceedings in ந.க.எண்.198-2021 dated 19.01.2021 pending disposal of the Writ Petition.

Prayer in WP(MD). 4401/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned recovery order passed by the 3rd respondent in his proceedings in ந.க.எண்.198-2021 dated 19.01.2021 and quash the same as illegal.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.C.VENKATESH KUMAR, Advocate for M/S.AJMAL ASSOCIATES for the petitioner and of Mr.N.SHANMUGA SELVAM, Additional Government Pleader on behalf of the Respondents, While admitting the Writ Petition, the court made the following order:-

The petitioner's request for incentive increment was refused on the ground that he had simultaneously taken the M.A. and B.Ed., Degree in the same year. The case of the petitioner is that both



the M.A. and B.Ed., Degree were not taken simultaneously and the petitioner had discontinued the M.A.Degree in the year 2003 and had completed the B.Ed. Decree in May 2004 and thereafter, he was Joined in the M.A.Degree in June 2004. It is also seen that earlier when the petitioner had approached this Court for a similar relief, this Court by an order dated 19.03.2020, passed in W.P.(MD).No.5691 of 2020, had given liberty to the petitioner to give his objections. However, in the present impugned order, the objections of the petitioner were not considered and orders have been passed.

2.In these circumstances, the petitioner seems to have made out a *prima facie* case, which aspects require further deliberations. Hence, there shall be an order of interim stay.

3.Mr.N.Shanmuga Selvam, learned Additional Government Pleader, takes notice on behalf of the respondents and seeks time to file counter.

4.Post the matter on 09.06.2021.

sd/-
04/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE CHIEF EDUCATIONAL OFFICER,
O/O. THE CHIEF EDUCATIONAL OFFICE,
RAMANATHAPURAM DISTRICT.
- 2 THE DISTRICT EDUCATIONAL OFFICER,
O/O.THE DISTRICT EDUCATIONAL OFFICER,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 3 THE HEADMASTER,
GOVERNMENT HIGHER SECONDARY SCHOOL,
PARTHIBANUR, RAMANATHAPURAM DISTRICT.

+1CC to M/s.AJMAL ASSOCIATES, Advocate (SR-1750[I] dated 04/03/2021)
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.9155

ORDER IN
WMP(MD) No.3547 of 2021
IN
WP(MD) No.4401 of 2021
Date :04/03/2021

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<https://hmsvcs.eis.gov.in/Services/MS/Case/MD/3547/2021/2P.6C>