



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Civil Appellate Jurisdiction )

Tuesday, the Fifth day of October Two Thousand and Twenty One

PRESENT

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**The Hon`ble Mr.Justice M.DURAI SWAMY**  
**and**  
**The Hon`ble Mr.Justice K.MURALI SHANKAR**  
**CMP(MD) No.8384 of 2021**  
**in**  
**WA(MD) No.1811 of 2021**

P.KARUPPANAN

... APPELLANT/APPELLANT

Vs

1 CHIEF EDUCATIONAL OFFICER,  
VIRUDHUNAGAR.

2 DISTRICT EDUCATIONAL OFFICER,  
ARUPPUKOTTAI, VIRUDHUNAGAR,  
VIRUDHUNAGAR DISTRICT.

3 CORRESPONDENT,  
MNMSPS HIGHER SECONDARY SCHOOL,  
MALLANKINAR -626109,  
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to grant leave to accept the additional affidavit.

Prayer in WA(MD). 1811/ 2021 :

Pleased to allow the Writ Appeal and set aside order in W.P.(MD) No.189 of 2011 dated 02.02.2021 on the file of this Hon'ble Court.

Prayer in WP(MD). 189/ 2011 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the 2nd respondent in Na.Ka.No.8407/aa3/2010 dated 03/12/2010 and quash the same, and direct the 2nd respondent to sanction 1 set of incentive increment for Ph.D for the petitioner, from the date on which he acquired the Ph.D. qualification i.e.1997 and confer all the consequential benefits.

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.T.ARUL for Mr.R.P.RAMACHANTHIRAN,

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Advocate for the petitioner and of Mr.P.THILAK KUMAR, Government Pleader on behalf of the Respondents 1 & 2, the Court made the following order:-

(Order of the Court was made by M.DURAI SWAMY, J)

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The learned Single Judge had decided the Writ Petition based on the affidavit filed in support of the Writ Petition at the time of filing of the Writ Petition. Based on the available pleadings, the learned Single Judge had dismissed the Writ Petition. Challenging the same, the writ petitioner has filed the Writ Appeal. In the Writ Appeal, the petitioner/appellant has filed a Miscellaneous Petition in C.M.P(MD)No.8384 of 2021 to accept the additional document.

2. When the learned Single Judge had decided the matter based on the available pleadings, the petitioner cannot put forth a new case by filing a fresh affidavit in the Writ Appeal.

3. In such view of the matter, we are not inclined to entertain the petition. Accordingly, the petition is dismissed.

sd/-

05/10/2021

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/ /2021

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

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

- 1 THE CHIEF EDUCATIONAL OFFICER,  
VIRUDHUNAGAR.
- 2 THE DISTRICT EDUCATIONAL OFFICER,  
ARUPPUKOTTAI, VIRUDHUNAGAR,  
VIRUDHUNAGAR DISTRICT.

ORDER

IN

CMP(MD) No.8384 of 2021  
in

WA(MD) No.1811 of 2021

Date : 05/10/2021

SS/VR/SAR-I/08.10.2021 : 2P/3C

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