



DATED: 24.11.2022

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P. No. 30551 of 2022

&

W.M.P. No. 29978 of 2022

..Petitioner

Vs.

1. The Regional Accounts Officer,
(Audit),
Department of School Education,
Namakkal.
2. The Director,
Directorate of School Education,
Chennai 600 006.
3. The Chief Educational Officer,
Namakkal, Namakkal District.



W.P. No. 30551 of 2022

4. The Headmaster,
Government Male Higher Secondary
School,
Erumapatti, Namakkal District.
5. The Registrar,
Vinayaka Missions University,
Salem 636 308.
6. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus forbearing the respondents 1 to 4 from initiating any action to recover the payment of incentive increments paid to the petitioner for having qualified M.Phil Degree granted by the 5th respondent and consequently direct the respondents 1 to 4 to continue to pay the incentive increment to the petitioner.

For Petitioner :: Ms.N. Umapathi

For Respondents :: Mr.S. Yashwanth,
Addl. Govt. Pleader for
R1 to R4



W.P. No. 30551 of 2022

ORDER

WEB COPY

The writ petition is filed for issue of a Writ of Mandamus forbearing the respondents 1 to 4 from initiating any action to recover the payment of incentive increments paid to the petitioner for having qualified M.Phil Degree granted by the 5th respondent and consequently direct the respondents 1 to 4 to continue to pay the incentive increment to the petitioner.

2. According to the petitioner, he was appointed as PG Assistant (English) in P.U. Middle School, Oruvanthurpudur, Mohanur Union on 15.09.2010 and thereafter, the petitioner was promoted as Graduate Teacher on 28.06.2012. The petitioner had joined M.Phil Degree Course in the year 2008 and completed the same in the year 2009 from the 5th respondent University, which is a Deemed University under Section 3 of University Grants Commission Act. According to the petitioner, only in accordance with the regulations, he had completed M.Phil degree course from the 5th respondent University and for having completed the said course, he has been paid incentive increments only in accordance with the regulations.



W.P. No. 30551 of 2022

While so, arbitrarily, the Audit Officer has raised objections in the year 2020, after long lapse of time, with regard to the petitioner's completion of M.Phil Degree Course. Now, the petitioner apprehends that the incentive increments granted to him earlier will be recovered based on audit objections.

3. The audit objections have been filed as a document along with this writ petition. Admittedly, no final orders have been passed for recovery of incentive increments granted to the petitioner earlier. No prejudice is going to be caused to any party, if the petitioner is issued with a notice before passing final orders based on audit objections, in order to enable him to challenge any adverse order, that may be passed against him.

4. Since no final orders have been passed for recovery of alleged excess payments made to the petitioner, as per the audit objections, this writ petition is disposed of by directing the respondents to issue 15 days notice to the petitioner before passing final orders based on audit objections with regard to recovery of alleged excess payments made to the petitioner. If the



W.P. No. 30551 of 2022

petitioner is aggrieved by the notice, he is at liberty to challenge the same in the manner known to him under law. No costs. Connected W.M.P. is closed.

24.11.2022

nv

To

1. The Regional Accounts Officer,
(Audit),
Department of School Education,
Namakkal.
2. The Director,
Directorate of School Education,
Chennai 600 006.
3. The Chief Educational Officer,
Namakkal, Namakkal District.
4. The Headmaster,
Government Male Higher Secondary
School,
Erumapatti, Namakkal District.
5. The Registrar,
Vinayaka Missions University,
Salem 636 308.

ABDUL QUDDHOSE,J.

5\6



WEB COPY



W.P. No. 30551 of 2022

nv

6. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

W.P. No. 30551 of 2022

24.11.2022