



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

WEB COPY

W.P. (MD) .No.11286 of 2022

and

W.M.P. (MD) .Nos.8041 and 8042 of 2022

Rani

... Petitioner

Vs.

1.The Secretary of Higher Education,
Directorate of Higher Education,
Chennai.

2.The Commissioner of School Education,
Directorate of School Education,
Chennai - 35.

3.The Regional Accounts Officer (Audit),
Regional Accounts Office,
Department of School Education,
Tallakulam,
Madurai - 625 002.

4.The Headmaster,
Government Girls' Higher Secondary School,
Panthalkudi,
Virudhunagar District.

5.The Registrar,
Alagappa University,
Karaikudi, Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings of the fourth respondent in Na.Ka.No.100/A1/2021 dated 30.05.2022 along with order of the third respondent in Na.Ka.No.1732/A9/22 dated 20.05.2022 and quash the same consequently direct the respondents 1 to 3 to permit the petitioner to receive the incentives for the M.Phil., Summer Sequential Programme.

For Petitioner	:	Mr.M.Ramu
For R-1 to R-4	:	Mr.V.Nirmal Kumar, Government Advocate.



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. In identical circumstances, when the action of the respondents was challenged before this Court by one Gana Jeba Mani in W.P.(MD).No.10386 of 2022, this Court, by an order dated 26.05.2022, had stayed the recovery of the incentive increments already paid.

3. In the instant case, the petitioner challenges the show cause notice dated 30.05.2022. Whatever grounds raised by the petitioner herein, claiming that the respondents cannot either deny the payment of incentive increment or for recovery, can be raised by way of an explanation to the show cause notice and it would not be appropriate to interfere with the show cause notice. Nevertheless, if the petitioner is granted liberty to render her explanation to the impugned show cause notice through the consequential direction to the first and second respondents for consideration and the petitioner's interest is protected in the meantime, the ends of justice could be secured.

4. In the light of the above observation, the petitioner is granted liberty to submit her explanation to the first and second respondents within a period of fifteen (15) days from the date of receipt of a copy of this order and on receipt of such an explanation, the first and second respondents herein shall consider it on its own merits and pass appropriate orders in accordance with law within a period of twelve (12) weeks therefrom. In the meantime, the respondents herein shall not initiate any action for recovery of the incentive increments already paid to the petitioner.

5. This Writ Petition stands disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

Lm



To

1.The Secretary of Higher Education,
Directorate of Higher Education,
Chennai.

2.The Commissioner of School Education,
Directorate of School Education,
Chennai - 35.

3.The Regional Accounts Officer (Audit),
Regional Accounts Office,
Department of School Education,
Tallakulam,
Madurai - 625 002.

4.The Headmaster,
Government Girls' Higher Secondary School,
Panthalkudi,
Virudhunagar District.

+1 CC to M/s.M.RAMU, Advocate (SR-25232[F] dated 10/06/2022)

+1 CC to M/s.SPL GP (SR-25459[F] dated 13/06/2022)

W.P. (MD) .No.11286 of 2022

10.06.2022

SS(24/06/2022) 3P 7C