



W.P. No. 12788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 12788 of 2023

and

W.M.P. No. 12594 of 2023

K.M.S.Khalifullah Khadhari

... Petitioner

-VS-

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600006.

2. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3. The District Educational Officer,
Thiruvannamalai,
Thiruvannamalai District.

4. The Headmaster,
Government Higher Secondary School,
Sengunam, Polur Taluk,
Thiruvannamalai District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondents to pass orders for restoration of incentive increment granted to the Petitioner for B.P.Ed., course and P.G.Diploma in Yoga acquired by the Petitioner and consequently pay the arrears of salary already recovered from the Petitioner



W.P. No. 12788 of 2023

unilaterally without any order of recovery, in consideration of representation submitted by the Petitioner dated 21.09.2022, within a time frame to be fixed by this Court.

For Petitioner : Mr. S.Nedunchezhiyan
For Respondents : Mrs. R.Anitha,
Special Government Pleader

ORDER

Heard Mr. S.Nedunchezhiyan, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader takes notice for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The grievance ventilated by the Petitioner is that he had made a representation dated 21.09.2022 to the Fourth Respondents to restore the incentive increment granted to him for B.P.Ed., course and P.G.Diploma in Yoga acquired by him and to consequently pay arrears of salary already recovered from the Petitioner unilaterally without any order of recovery, but as it did not evoke any response, he has filed this Writ Petition.



W.P. No. 12788 of 2023

3. Having regard to the limited scope of the relief sought in the Writ Petition, this Court without expressing any view on the merits of controversy involved, passes the following order:-

- (i) the concerned authority shall immediately examine the representation dated 21.09.2022 made by the Petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;
- (ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the Petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;
- (iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the Petitioner and all other persons concerned to explain their position in that regard;
- (iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;
- (v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and



W.P. No. 12788 of 2023

(vi) the report of such compliance shall be filed before the Registrar

WEB COPY (Judicial) of this Court.

In the result, the Writ Petition is disposed on the aforesaid terms.

Consequently, the connected Miscellaneous Petition is closed. No costs.

26.04.2023

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Index: Yes/No

Note: Issue order copy by 02.06.2023.

To

1. The Commissioner,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600006.
2. The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.
3. The District Educational Officer,
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Thiruvannamalai District.
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W.P. No. 12788 of 2023

Copy to

The Registrar (Judicial),
Madras High Court,
Chennai – 600 104.



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W.P. No. 12788 of 2023

P.D. AUDIKESAVALU, J.

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W.P. No. 12788 of 2023

26.04.2023