



WEB COPY



W.P.No.23294 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.23294 of 2023 and
W.M.P.No.22836 of 2023

V.Manju

... Petitioner

Versus

1.The Principal Audit Officer cum Financial Advisor,
Education Department,
Chennai.

2.The Local Audit,
Chinnapillaiur,
Salem District-636 306.

3.The Headmaster,
Govt. Middle School,
Chinnapillaiur,
Salem District-636 306.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent vide Na.Ka.No.88/2022 dated 18.05.2023 and quash the same consequently to direct the 1st respondent in Na.Ka.No.053130/ALI/2023, dated 31.03.2023 and to re-fix the same.

For Petitioner :	Mr.P.Rajalakshmi
For Respondents :	Mr.M.Alagu Gowtham, Government Advocate



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ORDER

This Writ Petition has been filed to call for the records relating to the impugned order passed by the 3rd respondent vide Na.Ka.No.88/2022, dated 18.05.2023 and quash the same and consequently, direct the 1st respondent in Na.Ka.No.053130/ALI/2023, dated 31.03.2023 and to re-fix the same.

2.The grievance of the Writ Petitioner is that she has been appointed as B.T (Tamil) Teacher in Government Higher Secondary School, Chinnapillaiyur, Salem District on 17.02.2012 and received incentive for completion of additional qualification degrees. Prior to the appointment, the petitioner obtained M.Ed., in the year 2011 and M.A in the year 2012. This being the position, audit objection has been raised for grant of incentive increment by the 1st respondent through his proceedings, dated 31.03.2023 in Na.Ka.No.053130/ALI/2023 and directed the 3rd respondent to recover the increment amount which has already been credited to the petitioner for the sum of Rs.3,60,659/- (Rupees three lakh sixty thousand and six hundred and five nine only). Hence, the impugned order directing the petitioner to return the said amount cannot be sustained in the eye of



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3.Heard both sides and perused the entire materials produced before this Court.

4.The very impugned order is passed based on the audit objection. The fact that the petitioner obtained two degrees in the same year is not disputed by the learned counsel for the petitioner. When the petitioner was pursuing directly M.Ed., in Sengunthar College of Education, Tharamangalam, Salem in the year 2010-11, she appears to have completed M.A Tamil by way of distance education in the same year. When she was pursuing one degree directly from the collage, obtained other degree by way of distance education in view of this Court is not correct. Therefore, the audit objection raised by the 1st respondent cannot be quashed and the impugned order does not require any interference of this Court.

N.SATHISH KUMAR, J.



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5.In such view of the matter, I do not find any merits in this Writ Petition and the same is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

09.08.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

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Chennai.
- 2.The Local Audit,
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