



W.P.(MD)No.1706 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1706 of 2023

Shiranthiri

Vs.

... Petitioner

- 1.The Secretary,
University Grant Commission(UGC),
Bahathur, Shtrizafor Marg,
New Delhi.
- 2.The Secretary,
Higher Education Department,
Secretariat,
Chennai – 600 009.
- 3.The Secretary of School Education,
Directorate of School Education,
Chennai – 35.
- 4.The Regional Accounts Officer(Audit),
Regional Accounts Office,
Department of School Education,
Tallakulam,
Madurai – 625 002.
- 5.The Headmaster,
Government Higher Secondary School,
Malaiyur, Pudukkottai District.



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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fifth respondent not to re-fix the petitioner's salary without deciding her explanation dated 23.12.2022 and 09.01.2023.

For Petitioner	: Mr.M.Ramu
For R-2 to R-5	: Mr.J.Ashok, Additional Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the fifth respondent not to re-fix the petitioner's salary without deciding her explanation, dated 23.12.2022 and 09.01.2023.

2. The case of the petitioner is that she is working as a Graduate Teacher in the fifth respondent school. With the approval of the Education Department to pursue the M.Phil., through Summer Sequential



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Programme with the sixth respondent, she completed the same in the year of 2018. From the year 2018, she has been receiving second incentive increment as per the relevant Government Orders. However, the fifth respondent issued a show-cause notice, dated 14.12.2022, stating that the M.Phil., degree completed in summer duration is not recognized by the State Government as per the order passed by the fourth respondent cancelling the incentive increment granted to the petitioner. Thereafter, to the show-cause notice issued, the petitioner offered her explanation on 23.12.2022 and 09.01.2023, to the fourth and fifth respondents. However, the same has not been considered so far. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that it would suffice, if the fourth respondent is directed to consider the explanation offered by the petitioner, dated 09.01.2023, on merits and in accordance with law, within a specified period.



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4. In view of the nature order going to be passed, notice to the respondents 1 and 6, is dispensed with.

5. The learned Additional Government Pleader appearing for the respondents 2 to 5, has no serious objection for such an order being passed by this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to consider the petitioner's explanation, dated 09.01.2023 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

30.01.2023

pm
NCC:Yes/No
Index:Yes/No

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M.DHANDAPANI,J.

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