



W.P(MD)No.33 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.33 of 2017

P.Vijayalakshmi

...Petitioner

Vs.

1.The Secretary to Government,
School Education,
Fort.St.George,Chennai-9

2.The Director of School Education,
College Road,
Chennai.

3.The Chief Educational Officer,
Madurai District,
Tallakulam, Madurai.

4. The District Educational Officer,
Usilampatti Educational District,
Usilampatti, Madurai District.

5.The Headmaster,
Government Girls Higher Secondary School,
Thirumangalam, Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified



W.P(MD)No.33 of 2017

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Mandamus to call for the records of the impugned order passed by the 3rd respondent in Na.Ka.No.4852/A4/2016 dated 16.11.2016 and quash the same as illegal and consequently directing the respondents to sanction 3rd incentive increment to the petitioner from the date of acquiring M.Phil., degree i.e from 30.06.2009, in the light of the order of this Court dated 20.12.2007 in W.P(MD)No.2528 of 2007 order dated 12.04.2011 in W.P.No.9200 of 2011 order dated 05.07.2013 in W.P(MD)Nos.7291 of 2013 batch, order dated 24.07.2013 in W.P(MD)Nos.11802 of 2013 and batch order dated 18.09.2014 in W.A(MD)No.867 of 2014 and in the light of G.O.Ms.No.17 School Education dated 08.01.2008, G.O.Ms.No.209 School Education Department dated 08.07.2010 and G.O.(2D)No.15 School Education Department dated 28.03.2013.

For Petitioner : Mr.J.Selvam

For R1 to R4 : Mr. V.Nirmal Kumar
Government Advocate



W.P(MD)No.33 of 2017

WEB COPY

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the third respondent in his proceedings dated 16.11.2016 and for a consequential direction to the respondents to sanction 3rd incentive increment to the petitioner for having acquired M.Phil degree within the period that may be stipulated by this Court.

2. On behalf of the respondents 1 to 4, a counter affidavit has been filed.

3. During the course of hearing, the learned Government Advocate submits that the issue is already settled by the Full Bench by order dated 29.04.2022 in W.A.No.3674 of 2019 and batch. As such, no further adjudication is required in the present Writ Petition.



W.P(MD)No.33 of 2017

WEB COPY

4. The learned counsel for the petitioner also endorsed the statement of the learned Government Advocate that the issue is already decided by the Full Bench of this Court.

5. In view of the submissions made by the respective counsels, in my view, further adjudication is not required in this case. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

09.08.2023

Index : Yes / No
NCC : Yes / No
CM



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W.P(MD)No.33 of 2017

BATTU DEVANAND, J.

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W.P.(MD)No.33 of 2017

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