



W. P (MD) No.23528 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **19.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD) No.23528 of 2016

and

W.M.P(MD) Nos.16891 of 2016 & 15481 of 2023

A. Francis Daniel Raja

...Petitioner

Vs.

The Assistant Elementary Educational Officer,

Karur Union,

Karur District.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari to calling for the records relating to the impugned proceedings in Na.Ka.No.



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208/A1/2016 dated 07.11.2016 of the fourth respondent herein and quash the same.

For Petitioner : Mr.T. Pon Ramkumar

For Respondent : Mr. V. Nirmal Kumar
Government Advocate

ORDER

This Writ Petition has been filed against the order of recovery of the amount paid to the petitioner towards incentive increment for acquiring B.Ed., degree.

2. Heard Mr.T. Pon Ramkumar, learned counsel for the petitioner and Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondent and perused the material available on record.



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3. The learned counsel appearing for the petitioner submits that the petitioner obtained B.Ed., degree from Sastra University, Thanjavur, in the year 2009. The respondent granted incentive increment for possessing B.Ed., degree. But subsequently, they issued the impugned proceedings stating that the petitioner is eligible to receive incentive increment only from the date i.e., 28.07.2011 on which date, the G.O.(Ms)No.112, School Education (C2) Department, was issued by the respondent and passed the order for recovery of incentive increment awarded to the petitioner from the date of obtaining B.Ed., decree to till the date of issuance of G.O.(Ms)No.112, School Education (C2) Department, dated 28.07.2011.

4. On behalf of the respondent, a counter affidavit has been filed.

5. During the course of hearing today, the learned Government Advocate appearing for the respondent has placed a copy of the affidavit filed by the Director of Elementary Education, Chennai.



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6. Basing on the averments made in the said affidavit, the learned Government Advocate would submit that the Writ Petitioner is entitled to get incentive increment from the date of acquiring additional qualification and as such the Director of Elementary Education, Chennai, has instructed the Block Educational Officer, Karur, to take necessary steps to drop audit objections. He further submits that basing on the instructions of the Director of Elementary Education Department, Chennai, the Block Educational Officer, Karur, vide proceedings in Na.Ka.No.208/A1/2016, dated 30.08.2023, the audit objections have been withdrawn.

7. In view of the above factual position, as the order impugned in the present Writ Petition has been already withdrawn, in our considered view, no further adjudication is required in this case.

8. Accordingly, this Writ Petition is dismissed as infructuous.



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9. No costs.

10. Consequently, connected miscellaneous petitions are closed.

19.09.2023

Index : Yes / No
Internet : Yes
NCC : Yes / No

RM

To

The Assistant Elementary Educational Officer,
Karur Union,
Karur District.



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BATTU DEVANAND, J.

RM

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(2/4)

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