



WEB COPY



W.P.No.9473 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

**Writ Petition No.9473 of 2024
and W.M.P.Nos.10469 & 10470 of 2024**

Muthu Nayagi,
W/o.Velu Mayil

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
School Education Department,
Fort St.George, Chennai – 600 009.
2. The Director of Schools,
School Education Department,
Chennai – 600 006.
3. The Joint Director (Vocational) Education,
School Education Department,
College Road, Chennai – 600 006.
4. The Chief Accounts Officer,
Commissionerate of School Education,
Chennai – 600 006.
5. The Headmaster,
Government Higher Secondary School,
Eraniel – 629 802.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the Audit Objection of the 4th respondent in his



W.P.No.9473 of 2024

proceedings in Na.Ka.No.5313/AKD/2023 dated 21.12.2023 and quash the same and direct the respondents to continuously pay the petitioner 3% annual increment in their salary in the post as Computer Instructor Grade – I and thus render justice.

For Petitioner : Ms.P.Mahalakshmi

For Respondents : Mrs.S.Mythreye Chandru
Special Govt. Pleader

ORDER

This writ petition has been filed challenging the audit objection dated 21.12.2023 and to quash the same and consequently to continue to pay the 3% annual increment to the petitioner.

2. When the matter came up for hearing, the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents are *at idem* stating that the matter is squarely covered by the judgment in W.P.No.27205 of 2023 & etc., batch dated 08.03.2024.

3. In the said judgment, while upholding the downward revision, the recovery is held to be illegal. The operative portion of the said judgment in paragraph 10 is extracted hereunder:

“10. In view of the above discussions, it cannot be said that the order passed by the Chief Accounts Officer,



W.P.No.9473 of 2024

Chennai, finds with any infirmity. However, the orders passed by the Headmaster of the respective schools, insofar as the recovery of excess salary, cannot be sustained and it is liable to be quashed. Accordingly, the orders passed by the Headmaster of the respective schools, dated 24.08.2023, 25.08.2023, 23.08.2023, 19.07.2023, 21.08.2023, 09.06.2023, 29.05.2023, 14.09.2023, 13.09.2023, 21.09.2023, 07.11.2023, 04.11.2023 are hereby quashed. The respondents are directed to fix the scale of pay to the petitioners in the cadre of Computer Instructor Grade – I in the pay scale of Rs.9,300-34,800+Grade Pay Rs.4,800 and pay the salary accordingly to the petitioner and arrears if any, within a period of eight weeks from the date of receipt of a copy of this order.”

4. In view thereof, this writ petition is disposed of in terms of the judgment dated 08.03.2024 in W.P.Nos.27205 of 2023 & etc., batch. No costs. Connected miscellaneous petitions are closed.

05.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
mp

To

1. The Secretary,
School Education Department,



W.P.No.9473 of 2024

Fort St.George, Chennai – 600 009.

2. The Director of Schools,
School Education Department,
Chennai – 600 006.
3. The Joint Director (Vocational) Education,
School Education Department,
College Road, Chennai – 600 006.
4. The Chief Accounts Officer,
Commissionerate of School Education,
Chennai – 600 006.
5. The Headmaster,
Government Higher Secondary School,
Eraniel – 629 802.



WEB COPY



W.P.No.9473 of 2024

D.BHARATHA CHAKRAVARTHY, J.

mp

W.P.No.9473 of 2024

05.04.2024