



W.P.No.12218 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.12218 of 2024
and W.M.P.No.13310 of 2024

S.S.Gowdhami
W/o.Sethuraman

... Petitioner

Vs.

1.The Regional Accounts Officer,
(Audit), Department of School Education,
Coimbatore - 641 001.

2.The Director,
Directorate of School Education,
Chennai - 600 006.

3.The Chief Educational Officer,
Tiruppur, Tiruppur District.

4.The Head Master,
Government Higher Secondary School,
Komaralingam,
Tirupur - 642 204.

5.The Registrar,
Periyar University,
Salem - 636 011.

6.The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi - 110 002.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, forbearing the respondents 1 to 4 from initiating any action to recover the payment of incentive increments paid to the petitioner for having qualified M.Phil. degree granted by the fifth respondent and consequently, direct the respondents 1 to 4 to continue to pay the incentive increment to the petitioner.

For Petitioner : Mr.N.Umapathi
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader [R2 to R4]

ORDER

This writ petition is filed for issuance of a Writ of Mandamus forbearing the respondents from initiating any action to recover the payment of incentive increment paid to the petitioner for having qualified M.Phil., degree granted by the 5th respondent and for consequential direction to continue to pay the incentive increment to the petitioner.

2. The learned counsel for the petitioner submitted that even though no order has been passed, the petitioner apprehends because already there is an audit objection and the same is produced before this Court.



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3. Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents 2 to 4 submitted that even if there is an audit objection still the writ petition is pre-mature. If only the orders have been passed withdrawing the increment, the petitioner is entitled to move this Court. Even if there is an audit objection, orders would be passed by following due process of law.

4. In view of the above submission made by the learned Special Government Pleader that the respondents would pass orders by following due process of law by issuing a show cause notice to the petitioner and considering his objections, this writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

29.04.2024

Index: Yes
Speaking Order: Yes
Neutral Citation: No
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To
1.The Director,
Directorate of School Education,
Chennai - 600 006.

2.The Chief Educational Officer,
Tiruppur, Tiruppur District.



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D.BHARATHA CHAKRAVARTHY, J.

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3.The Head Master,
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