



WEB COPY

W.P.No.11275 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

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

W.P.No.11275 of 2024

and

WMP.No.12366 of 2024

K.Balasubramanian

... 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 641 604.
4. The Head Master
Narayanasamy Government Higher Secondary School,
Periyavalavadi, Tirupur District 642 132.
5. The Registrar
Gandhigram Rural University, Dindigul – 624 302.
6. The Secretary,
University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

... Respondents



W.P.No.11275 of 20

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a 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 5th 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 : Mr.V.Manoharan
Addl. Government Pleader for 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.



W.P.No.11275 of 20

3. Mr.V.Manoharan, learned Additional 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 Additional 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 also closed.

26.04.2024

Index : Yes
Speaking order: Yes
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