



W.P.No.37101 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29.01.2024

C O R A M

THE HONOURABLE Dr.JUSTICE D.NAGARJUN

**Writ Petition No.37101 of 2016 &
W.M.P.Nos.31893 & 31894 of 2016**

A.Muthukrishnan

... Petitioner

Vs

1. The Joint Director of School Education,
[NSS], DPI Compound, College Road,
Chennai – 600 006.

2. The District Educational Officer,
Erode Education District,
Old Railway Station Road, Erode – 2.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus to call for the entire records relating to the impugned order passed by the first respondent in his proceedings O.Mu.No.015774/L/E5/2016, dated 16.04.2016 and quash the same and consequently directing the respondents to re-fixation of the revised salary far with the petitioner's junior salary by giving effect from 24.08.2008 and disburse the same together with arrears to the petitioner.



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For petitioner ... Mr.R.Hemalatha
for Mr.C.Prakasam
For respondents ... Mr.M.S.Premkumar
Government Advocate

ORDER

This writ petition is filed seeking certiorarified Mandamus for quashing the proceedings dated 16.04.2016 in O.Mu.No. 015774/L/E5/2016 and consequently, directing the respondents to refix the salary of the petitioner equivalent to the salary of his junior with effect from 24.08.2008.

2. It is submitted by the learned counsel for the petitioner that the petitioner was appointed as B.T. Assistant in Railway Colony Municipal Higher Secondary school, Erode – 2 on 10.02.1989 and the petitioner was promoted as a Head Master in Government High School, Pandiampalayam. One V.Thangavel who has been working as a Head Master in Government High School was appointed on 10.01.1992, three years later than that of the petitioner as B.T. Assistant.



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3. The petitioner has received two incentive increments for having P.G. Degree in M.Ed. and M.Phil. Whereas, the said Thangavel received incentive increment on completion of M.Phil. But his pay has been fixed more than the pay of the petitioner.

4. The petitioner has made a representation to refix the salary of the petitioner in par with the salary of V.Thangavel and also requested to pay difference of salary amount. The respondent has rejected the representation of the petitioner by way of an Order dated 16.04.2016 in proceedings O.Mu.No.015774/L/E5/2016. Aggrieved by the same, the present writ petition is filed.

5. The respondents have filed counter. The learned Government Advocate has submitted that the incentive increment granted in favour of Mr.V.Thangavel for completion of his M.Phil has been withdrawn as the said Thangavel has completed M.Phil. without obtaining prior permission of the Director of School Education. The respondents have also filed a copy of the proceedings dated 23.01.2024 in Roc.No.9009/A1/2016, wherein it is mentioned that Mr.A.Thangavel has



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not obtained prior permission of the Director of School Education for doing M.Phil degree and accordingly, the sanction Order of incentive increment for M.Phil degree was cancelled and recovery Orders were also passed.

6. Therefore, considering the submissions made by both sides and on perusal of the proceedings issued by the Chief Educational Officer, Erode, dated 23.01.2024 stating that the incentive increment which was given to Mr.V.Thangavel was cancelled, there is no anomaly in pay fixation. Now the pay of the petitioner is more than that of the said V.Thangavel on account of cancellation of incentive increment. The petitioner has also no grievance in respect of his pay, as the petitioner was also granted incentive increment for completion of M.Ed. and M.Phil. In view of the which the cause does not survive any more for the petitioner. Accordingly, the writ petition deserves to be dismissed.

7. In the result, the writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

29.01.2024



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Index: Yes/No

Neutral Citation: Yes/No

To

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2. The District Educational Officer,
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Dr.D.NAGARJUN, J

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