



WP(MD) Nos.9192 to 9194 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) Nos.9192 to 9194 of 2024

and

W.P.(MD)Nos.8365, 8366, 8369, 8370 8375 & 8376 of 2024

Kathiresan ... Petitioner in W.P.(MD) No.9192 of 2024

S.Anbuselvi ... Petitioner in W.P.(MD) No.9193 of 2024

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai – 600 009.



WP(MD) Nos.9192 to 9194 of 2024

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2.The Director of Elementary School Education,

DPI Campus,

Nungampakkam,

College Road,

Chennai – 6.

3.The Chief Educational Officer

Theni District,

Theni.

4.The District Educational Officer (Elementary),

Theni.

5.The Block Educational Officer-I

Bodinayakkanur,

Theni,

Theni District.

... Respondents in all writ petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order issued by the 5th respondent vide his proceedings in Na.Ka.No.1517/A1/2023 dated



WP(MD) Nos.9192 to 9194 of 2024

07.03.2024 and the consequential impugned order issued by the 5th respondent vide his proceedings in Na.Ka.No.506/A1/2024 dated 20.03.2024 and quash the same as illegal.

W.P.(MD) No.9194 of 2024

S.Kalpana ... Petitioner in W.P.(MD) No.9194 of 2024

Vs.

1.The State of Tamil Nadu

Rep. by its Principal Secretary to Government,
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Chennai – 600 009.

2.The Director of Elementary School Education,

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Chennai – 6.



WP(MD) Nos.9192 to 9194 of 2024

3.The Chief Educational Officer

Theni District,

Theni.

4.The District Educational Officer (Elementary),

Theni.

5.The Block Educational Officer-II

Chinnamanur,

Theni District. ...Respondents in W.P.(MD)No.9194 of 2024

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned order issued by the 5th respondent vide his proceedings in Na.Ka.No.384/A2/2022 dated 15.06.2023 and quash the same as illegal.

In all Writ Petitions:

For Petitioners : Mr.S.Mohamed Suhail
for M/s.Ajmal Associates

For Respondents : Mr.T.Amjad Khan
Government Advocate



WP(MD) Nos.9192 to 9194 of 2024

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COMMON ORDER

The petitioners have filed these Writ Petitions seeking for a Writ of Certiorari to quash the impugned proceedings issued by the 5th respondent, as illegal.

2. Mr.S.Mohammed Suhail, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioners submitted that the petitioners have been given with an incentive increment for the higher qualification in M.Com and B.Ed., Degree Courses. However, by the impugned orders dated 15.06.2023, 07.03.2024



WP(MD) Nos.9192 to 9194 of 2024

WEB COPY

and 20.03.2024, the incentive increments already granted by the respondents were withdrawn.

5. The learned counsel for the petitioners submitted that the orders have been passed and a conclusion has been arrived at and thereafter, notice has been given.

6. However, the learned Additional Government Pleader submitted that the issue has been already settled in W.A.(MD)No. 910 of 2022 dated 24.08.2022.

7. On perusal of the impugned orders, it is seen that the fifth respondent did not state any reason. Since the order has been issued by withdrawing the benefits which have already been enjoyed by the petitioners, the fifth respondent ought to have given notice to the petitioners in order to make their submissions and then, orders be passed on considering their submissions.



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WP(MD) Nos.9192 to 9194 of 2024

8. Since the impugned order has been passed to surprise all the petitioners to stop the monetary benefits already enjoyed by them, I feel that the impugned orders are liable to be set aside.

9. Hence, W.P.(MD)Nos.9192 to 9194 of 2024 are **allowed** and the impugned orders dated 07.03.2024, 20.03.2024 and 15.06.2023 passed by the fifth respondents are set aside. Consequently, the respondents are directed to adhere to the principles of natural justice by issuing notice to the petitioners before passing any orders as to the cancellation of the incentive increment benefits which have been already extended to the petitioners and then pass orders in accordance with law. No costs. Consequently, connected miscellaneous petitions are closed.

15.04.2024

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



WP(MD) Nos.9192 to 9194 of 2024

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To

- 1.The Principal Secretary to Government,
State of Tamil Nadu
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- 2.The Director of Elementary School Education,
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WP(MD) Nos.9192 to 9194 of 2024

R.N.MANJULA, J.

RM

W.P.(MD)Nos.9192 to 9194 of 2024

15.04.2024