



WP(MD) No.9195 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) No.9195 of 2024
and
W.M.P(MD)Nos.8371 & 8372 of 2024

Geetha

... Petitioner

Vs.

1.The Secretary to Higher Education,
Secretariat of Higher Education,
Chennai.

2.The Financial Advisor and Chief Accountant Officer,
Commissioner Office of School Education,
Chennai - 6.

3.The District Educational Officer,
District Educational Office,
Sakkottai, Karaikudi Taluk,
Sivagangai District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari to call for the records pertaining the impugned proceedings of the 3rd respondent in Na.Ka.No.667/A1/2024 dated 27.03.2024 and quash the same.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Certiorari to call for the records pertaining the impugned proceedings of the 3rd respondent in Na.Ka.No.667/A1/2024 dated 27.03.2024 and quash the same.

2. Heard Mr.M.Ramu, learned counsel for the petitioner



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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 petitioner is working as a graduate teacher in Panchayat Union Middle Secondary School, A.Venlangudi, Karaikudi Taluk, Sivagangai District. The third respondent has issued a proceedings, dated 27.03.2024 alleging that the petitioner has got the incentive increment for higher qualification in M.Phil Degree offered by Karaikudi Alagappa University following choice based credit System during Summer Sequential period, even though the Degree is not recognised by the State and Central Governments. The above issue is dealt in W.A.(MD)No.259 of 2023 dated 07.12.2023, in which, a direction was given to the Government to consider the above issue and pass orders. The above order calling



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for the Government to take a decision in the above Writ Appeal is extracted as under :

“14. In view of the facts and circumstances, we pass the following orders:

(i) The common order, dated 27.02.2023, passed in W.P.(MD) Nos.66, 67, 10386, 11609, 11720, 13879, 15666, 18235, 18236, 18237, 18238, 18239, 18240, 18241, 18242, 19438, 19718, 21691 & 21692 of 2022 and 2039, 2042 of 2023, are set aside to the limited extent of reconsidering the entire issues afresh.

(ii) The matter is remanded back to the Government for taking decisions on the equivalence and the validity of the M.Phil., Degree obtained by the writ petitioners / teachers under the Summer Sequential Programmes conducted by Alagappa University and to take a decision, whether the said Degree is to be considered for the purpose of grant of incentive increment or not.

(iii) The Government is expected to decide the issues as expeditiously as possible, preferably within a period of four months from the date of receipt of a copy



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of this Judgment.

(iv) Accordingly, the writ appeals are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.”

5. Pursuant to the above order, the issue is pending with the Government for taking a decision. Now, the grievance of the petitioner is that even before the matter was disposed of by the Government, the impugned notice has been given calling for explanation for recovering the amount towards the incentive enjoyed by the petitioner so far.

6. When the Government itself has not taken any decision, the petitioner may not be able to give any Government Order or document to prove that their entitlement to receive the incentive increment is supported by the Government Orders themselves. However, it is possible for the petitioner to place a request to the



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third respondent to extend the time for giving explanation till the Government takes a decision in the matter and pass orders thereon.

7. In the event of such a request is made by the petitioner, the third respondent shall consider the same and keep the matter in abeyance until the Government passes an order consequent to the directions of this Court in W.A.(MD)No.259 of 2023 etc., batch dated 07.12.2023.

8. With the above direction, this Writ Petition is **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

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



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R.N.MANJULA, J.

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