



WP(MD) No.9204 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.9204 of 2024

Muthukannan

... Petitioner

Vs.

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

2.The District Educational Officer (Secondary),
Sivagangai,
Sivagangai District.

3.The Secretary
Alagappa Model Higher Secondary School,
Alagappapuram,
Karaikudi,
Sivagangai District.



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4.The Headmaster

Alagappa Model Higher Secondary School,
Alagappapuram,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to approve the rectification proceeding in Ka.No. 65/2023 dated 07.02.2024 which has been submitted by the 3rd respondent.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.M.Siddarthan

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the 2nd respondent to approve the



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rectification proceedings in Ka.No.65/2023 dated 07.02.2024 which has been submitted by the 3rd respondent.

2. Heard Mr.M.Ramu, learned counsel for the petitioner and Mr.M.Siddarthan, learned Additional Government Pleader 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 petitioner submitted that the petitioner has initiated contempt proceedings in Cont.P(MD)No. 2419 of 2023 against the respondents for not obeying the order passed in W.M.P(MD)No.18130 of 2023 in W.P.(MD)No.21728 of 2023 dated 07.09.2023. However, in the said contempt petition, the following order has been passed :

“3. On the basis of the communication letter



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received from the District Educational Officer / respondent dated 20.12.2023, the contempt petitioner is directed to approach the School Committee to forward the proposal to the authorities concerned. It is also brought to the notice of this Court by the learned Additional Government Pleader that the authorities have sent requisition to the School regarding them to send a proposal.”

5. Pursuant to the said order, the third respondent school has sent a proposal to the second respondent on 07.02.2024. Thereafter, no order has been passed. Hence, the present writ petition has been filed.

6. In the meanwhile, the main Writ Petition in W.P(MD)No.21728 of 2023 is pending, in which, interim order has been granted earlier on 07.09.2023. But, the petitioners have filed a batch of writ appeals in W.A(MD)Nos.259 of 2023 etc., batch,



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wherein, the following order has been passed :

“14.---

(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.”

7. As per the said direction, the matter is now pending with the Government. Even when the matter is pending with the Government, the third respondent has sent a proceedings dated 07.04.2023. However, the petitioner is aggrieved due to the order dated 07.02.2024 cancelling the earlier re-fixation which allowed the increment and hence, he has filed the present Writ Petition. As per his submissions, the fourth respondent has sent a proposal to the second respondent, but, however, no decision has been taken so far.



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8. Since the Government has to take a decision in pursuant to the order passed in W.A.(MD)Nos.259 of 2023 etc., batch, the respondents shall consider and pass appropriate orders in accordance with the decision taken by the Government as stated above.

9. With the above directions, the Writ Petition is **disposed of**. No costs.

15.04.2024

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

RM



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WEB COPY

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R.N.MANJULA, J.

RM

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