



W.P.(MD)No.23377 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI,J.

W.P(MD)No.23377 of 2018

and

W.M.P.(MD)No.21222 of 2018

P.Muthuselvi.

... Petitioner

VS

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
Pudukottai District,
Pudukottai.

4.The Headmaster,
Government Higher Secondary School,
Kallur, Pudukottai District – 622 209.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India,
to issue a writ of Certiorarified Mandamus, to call for the records of the



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fourth respondent in relation to the proceeding issued in Letter Na.Ka.No. 07/2018 dated 25.09.2018 and quash the same and issue a consequential direction to the respondent to grant incentive increment to the petitioner for M.Phil. Degree from the date following last date of their examination.

For Petitioner : Mr.C.Vellaichamy

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner has filed this writ petition as against the order of recovery passed by the respondents that the petitioner has obtained incentive increment for acquiring the higher qualification of M.Phil from the year 2008.

2. According to the learned Additional Government Pleader, the eligibility of second increment for the degree M.phil was provided only based on G.O.(1D).No.18, School Education (E-2) Department, dated 18.01.2013. Prior to that, there was no provision available for providing any increment for M.Phil. However, by referring the earlier G.Os, it has been wrongly paid to the petitioner and the same has to be recovered pursuant to G.O.(1D).No.18,



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School Education (E-2) Department, dated 18.01.2013.

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3. According to the learned counsel for the petitioner, the order of recovery is without any notice and without providing an opportunity of hearing.

4. The learned counsel for the petitioner submits that the petitioner did not contact him and therefore, he is not in a position to inform the present stage of the case.

5. This court has considered the rival submissions made on both sides.

6. This writ petition has been filed as against the order of recovery passed by the fourth respondent in Letter Na.Ka.No.07/2018, dated 25.09.2018. The government has decided to provide second increment, if the teachers equipped with master degree, however, that was confined to M.Ed and M.Sc alone previously, vide G.O.Ms.No.1024, dated 09.12.1993. The government has also extended this benefit of second increment to M.Phil and Ph.D vide G.O.(1D).No.18, School Education (E-2) Department, dated



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18.01.2013. For that extended benefit for M.Phil and Ph.D, the petitioner has acquired M.Phil and she was also provided incentive increment with effect from 2008. Since the eligibility for incentive increment for M.Phil degree has been introduced *vide* G.O.(1D).No.18, School Education (E-2) Department, dated 18.01.2013, the Department has ordered for recovery of the amount, which has been paid erroneously in between 2008 and 2013 to the petitioner. Hence, there is no reason to interfere.

8. In view of the above, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

11.12.2024

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

To
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3.The Chief Educational Officer,
Pudukottai District,
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