



W.P.No.39196 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.P.No.39196 of 2024

Newton Gabriel

... Petitioner

Vs.

1. The Director,
Tamil Nadu Elementary Education Department,
DPI Complex, College Road,
Chennai – 600 006.

2. District Elementary Educational Officer,
4th Floor, District Collectorate,
M.B.T Road, Bharathi Nagar,
Ranipet – 632403.

3. J.Sridhar

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to take action on the communication of the first respondent to the second respondent in Na.Ka.No.006823/C3/2024 dated 05.04.2024 by considering the petitioner's representations dated 29.02.2024 and 06.12.2024.



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For Petitioner : Mr.J.Titus Enock

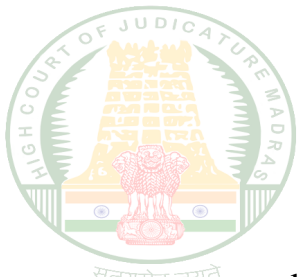
For Respondents : Mr.S.Prabhakaran,
Government Advocate (for R1 & R2)
Mr.S.Nedunchezhiyan (for R3)

ORDER

The instant writ petition has been filed with a prayer for issuing a Mandamus directing the second respondent to take action on the communication of the first respondent to the second respondent in Na.Ka.No.006823/C3/2024 dated 05.04.2024 by considering the petitioner's representations dated 29.02.2024 and 06.12.2024.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The learned counsel for the petitioner would submit that the third respondent has obtained an irregular promotion based on a degree obtained simultaneously. In this connection, the petitioner has sent representations dated 29.02.2024, and 06.12.2024, which are pending with the second



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respondent.

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4. The learned counsel for the second respondent strongly objected to the said contention of the learned counsel for the petitioner.

5. At this juncture, the learned Government Advocate appearing for the first and second respondents would submit that, based on the representations of the petitioner, they have already initiated action and, after issuing a show notice to the third respondent, have started recovering the amount. In this regard, it is appropriate to extract paragraph 7 of the counter-affidavit, which reads as follows:-

“7. Regarding the averments in para 4 of the affidavit of the petitioner, it is admitted that the third respondent has acquired M.A. Degree without U.G. Degree. It is pointed out in Audi made by the Regional Audit Officer, Cuddalore Region vide Rc.4068/A6/2021 dated 15.07.2021 and consequently the pay has been revised and the excess paid salary towards incentive increment works out to Rs.7,03,861/- (Rupees Seven Lakhs Three Thousand Eight Hundred and Sixty One Only) has been ordered to be recovered from the third respondent vide proceedings in



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Rc.280/A1/2021 dated 07.07.2024.”

In view of the above, nothing survives for further consideration in the present Writ Petition.

6. In the result, this Writ Petition is dismissed. No costs.

07.08.2025

kv

Index : Yes/No

Speaking order /Non Speaking Order

Neutral Citation : Yes/No

To

1. The Director,
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Chennai – 600 006.

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C.KUMARAPPAN, J.

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