

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Thirteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice P.D.AUDIKESAVALU

WEB COPY

WP(MD) No.20735 of 2017
and
W.M.P. (MD)No.17012 of 2017

S.SATHIYAMOORTHY

... PETITIONER

Vs

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY,
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER
SIVAGANGAI DISTRICT.

4 THE HEAD MASTER
GOVERNMENT HIGHER SECONDARY SCHOOL,
PEERAKALAIKADU, SIVAGANGAI DISTRICT.

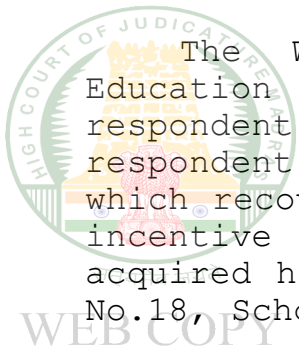
... RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in Letter No. 129 School Education (paka5(2))2013-1 dated 17.07.2013 and the consequential order passed by the 4th respondent in his proceedings in Na.Ka.No. 119/2017 dated 13.07.2017 and quash the same and direct the respondents to allow the petitioner to continue to have the same benefit.

Prayer in WMP(MD). 17012/ 2017 :

To Stay the operation of the order passed by the 1st respondent in Letter No. 129 School Education (paka5(2))2013-1 dated 17.07.2013 and the consequential order passed by the 4th respondent in his proceedings in Na.ka.No.119/2017 dated 13.07.2017 pending disposal of the above Writ Petition.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.PANNEER SELVAM, Advocate for the petitioner and of MR.N.S.KARTHIKEYAN, Additional Government Pleader on behalf of the respondents the court made the following order:-



The Writ Petition challenges the Letter No.129, School Education Department, dated 17.07.2013 passed by the first respondent and the consequential order passed thereon by the fourth respondent by proceedings No.Na.Ka.No.119/2017 dated 13.07.2017 by which recovery has been sought to be made towards excess payment of incentive increment paid from the date on which the petitioner had acquired higher qualifications instead of 18.01.2013, when G.O.(1D) No.18, School Education Department was issued granting such benefit.

2.It is brought to the notice of this Court that in similar matters, this Court, by order dated 01.08.2013 in M.P.(MD)No.2 of 2013 in W.P.(MD)No.12825 of 2013 and order dated 14.08.2013 in M.P.No.2 of 2013 in W.P.No.22412 of 2013, had granted interim stay and copy of the same are produced in the typed set of papers.

3.The learned Additional Government Pleader appearing for the respondents submits that those Writ Petitions are still pending before this Court.

4.Hence, there shall be an order of interim stay of recovery, until further orders. Post the Writ Petition along with W.P.(MD) No.12825 of 2013 for final disposal.

sd/-
13/11/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE SECRETARY,
THE STATE OF TAMIL NADU
SCHOOL EDUCATION DEPARTMENT,
SECRETARIAT, CHENNAI.

2 THE DIRECTOR OF SCHOOL EDUCATION, CHENNAI.

3 THE CHIEF EDUCATIONAL OFFICER
SIVAGANGAI DISTRICT.

+1. C.C. to M/S.V.PANNEER SELVAM Advocate SR.No.34333

ORDER IN
WP(MD) No.20735 of 2017 and
W.M.P. (MD)No.17012 of 2017
Date :13/11/2017

MKV-PM-PN-SAR 4/16.11.2017/2P-5C

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