

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.16930 of 2015

Sri Moogambigai Aided Primary School,
represented by its Secretary J.Shanthi,
Karattai, Vanur Taluk,
Villupuram District. ... Petitioner
(The name of petitioner is amended as above
as per order dated 28.7.2015 in M.P.No.2 of 2015)

Vs.

- 1.The Director of Elementary Education,
DPI, College Road,
Chennai-600 006.
- 2.The District Elementary Educational Officer,
Villupuram District,
Villupuram.
- 3.The Additional Assistant Educational Officer,
Vanur at Thiruchittrambalam,
Villupuram District-605 111.
- 4.Mrs.Dhanalakshmi Velayutham

(Fourth respondent is impleaded as per order
dated 07.09.2015 in M.P.No.3 of 2015 in
W.P.No.16930 of 2015) .. Respondents

Petition is filed under Article 226 of The Constitution of India
praying to issue a writ of certiorarified mandamus to call for the
records from the second respondent, quash the order of the second
respondent dated Nil.05.2015 bearing Na.Ka.No.5887/A4/2011 as
illegal, arbitrary and contrary to law and consequently, direct the
respondents to discontinue the direct payment.

For Petitioner .. Mr.Balan Haridas

For respondents

.. Mr.Roofus Abraham,
Government Advocate for R1 to R3

Mr.M.C.Swami for
Mr.Senthilswamy Associates for
Sri Moogambigai Aided Primary
School

ORDER

A show cause notice was issued to the petitioner by the proceedings dated 05.05.2015 by the second respondent to show cause as to why direct payment shall not be made. The petitioner is said to have given her reply to the show cause notice on 15.05.2015, which has been received by the second respondent on 22.05.2015. However, a perusal of the order impugned would show that it was signed on 26.05.2015, though in the said proceedings no date has been mentioned.

2. The learned counsel appearing for the petitioner submitted that the petitioner has given his reply to the show cause notice dated 05.05.2015. But without considering the same, the order impugned has been passed and hence, the same is liable to be set aside for the violation of principles of natural justice.

3. The learned counsel appearing for the impleaded 4th respondent submits that a number of irregularities are committed by the petitioner. The erstwhile name of the school has been unilaterally changed and the petitioner claims to be the Secretary of the Sri Moogambigai Aided Primary School, which is otherwise not in existence. The order impugned has been passed at the instance of the impleaded respondent.

4. A perusal of the order impugned would show that the petitioner's objection has not been heard and in fact there is no indication about the receipt of the reply of the petitioner, though the impugned order would show that on 13.5.2015 the petitioner has sought for time to submit reply. However, the reply dated 15.5.2015 of the petitioner, which has been received by the 2nd respondent on 22.05.2015, has not been considered in the order impugned.

5. In the above circumstances, this Court is inclined to set aside the order impugned and accordingly, the same is set aside and the writ petition is allowed. The second respondent is at liberty to issue fresh notice indicating the reasons for proposing to impose direct payment. Not only the petitioner, but also the impleaded 4th respondent is also required to be heard before passing final orders. The entire exercise will have to be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

raa

1.The Director of Elementary Education,
DPI, College Road,
Chennai-600 006.

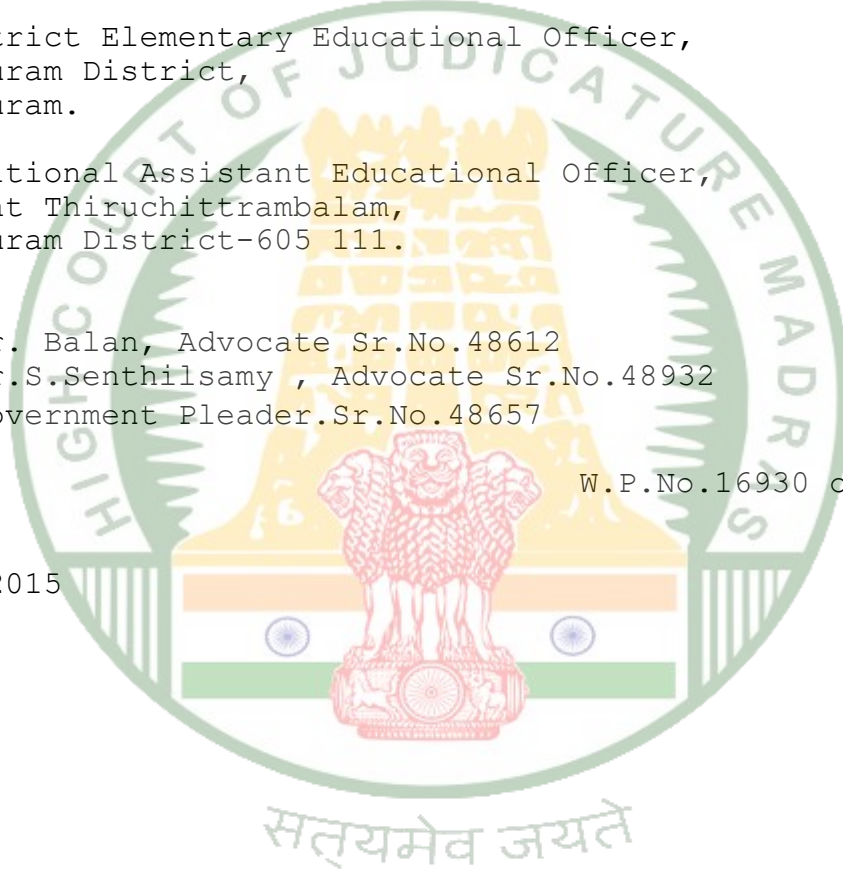
2.The District Elementary Educational Officer,
Villupuram District,
Villupuram.

3.The Additional Assistant Educational Officer,
Vanur at Thiruchittrambalam,
Villupuram District-605 111.

1 cc to Mr. Balan, Advocate Sr.No.48612
1 cc to Mr.S.Senthilsamy , Advocate Sr.No.48932
1 cc to Government Pleader.Sr.No.48657

W.P.No.16930 of 2015

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