

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.33106/2016 & WMP.No.28582/2016

D.Manjula .. Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-6.

2.The District Educational Officer
Thiruvallur, Thiruvallur District-602001.

3.The Additional Assistant Elementary
Educational Officer, Kadambathur,
Thiruvallur District 631203.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorari calling for the records relating to the impugned order passed by the 3rd respondent in his proceedings in Na.Ka.No,1488/A3/2015 dated 6.09.2016.

For Petitioner : Mr.N.Kolandaivelu
For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.
Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was initially appointed as Secondary Grade Teacher on 09.09.1988 and was given promotion as Elementary School Headmaster in the year 2003 and after completion of Tamil Pandit, she was given promotion as Middle School Headmaster during November 2006. The petitioner would further aver that she has completed M.A., in the year 1997 ; B.Lit., in the year 2005 and B.Ed., in the year 2012 and was given incentive increments on 11.07.2012 for possession of M.A., and B.Ed., degrees. However, to the shock and surprise of the petitioner, the 3rd respondent has issued the impugned order on 06.09.2016 ordering recovery of a sum of Rs.2,99,617/- on the pretext that the incentive increment has been wrongly paid and further indicated that the amount should be recovered and should be paid to the Treasury and challenging the legality of the same, the petitioner has come forward to file the present writ petition.

3 The learned counsel for the petitioner has drawn the attention of this Court to the impugned proceedings passed by the 3rd respondent and would submit that admittedly no opportunity whatsoever, has been afforded to the petitioner before passing the impugned order and therefore, prays for quashment of the same.

4 This Court heard the submissions of Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents and also perused the materials placed before it.

5 Admittedly, the impugned order of recovery visits the petitioner with grave civil consequences and therefore, in all fairness, the 3rd respondent, before ordering recovery, ought to have put the petitioner on notice. Unfortunately, he has failed to do so and hence, on the sole ground, it warrants interference.

6 In the result, the writ petition is partly allowed and the impugned proceedings of the 3rd respondent dated 06.09.2016 is set aside and the matter is once again remanded to the 3rd respondent and the impugned proceedings shall be treated as a show cause notice and the petitioner is directed to submit her response within a period of three weeks from the date of receipt of a copy of this order and the 3rd respondent, on receipt of the same, is directed to consider the said response/explanation of the petitioner and pass orders on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken, to the petitioner.

M.SATHYANARAYANAN, J.,

AP

7 The writ petition stands disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

20.12.2016

Index : No

Internet : Yes

AP

To

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