



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

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THE HON'BLE Dr.JUSTICE S.VIMALAW.P(MD) No.19970 of 2016

S.Manmathan

... Petitioner

-vs-

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George,
Chennai - 600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Fort St. George,
Chennai - 600 009.
3. The Secretary to Government,
Government of Tamil Nadu,
Personal and Administrative Reforms Dept.,
Fort St. George, Chennai - 600 009.
4. The Accountant General,
Office of Auditor General,
361, Anna Salai, Teynampet,
Chennai - 600 018.
5. The Director of Elementary Education,
DPI Compound, College Road,
Chennai - 600 006.
6. The District Elementary Educational Officer,
Madurai District, Madurai.
7. The Additional Assistant Elementary
Educational Officer,
Chellampatti,
Madurai District.

... Respondents



records of the 7th respondent in his proceedings in Na.Ka.No.894/A2/2016 dated 04.10.2016 and quash the same.

For Petitioner : Mr.Hema Karthikeyan
For RR - 1,2,3,5 to 7: Mr.M.Murugan
Government Advocate
For R - 4 : Mr.P.Gunasekaran

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O R D E R

This Writ Petition has been filed to quash the impugned proceedings issued by the seventh respondent dated 04.10.2016.

2.Heard the learned counsel appearing for the petitioner; the learned Government Advocate, who takes notice for the respondents 1, 2, 3, 5 to 7 and Mr.P.Gunasekaran, learned counsel for the fourth respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was appointed as a Secondary Grade Teacher on 22.07.1991 in Sri Murugan Middle School, Madurai. Subsequently he was appointed in the Panchayat Union Elementary School, Arasamarathupatti on 07.10.1996. Taking note of both service periods, the 7th respondent has sanctioned selection grade and fixed scale of pay at Rs.5300 - 150 - 8300 with effect from 01.10.2001. Thereafter, the petitioner was promoted and posted as Headmaster in the Panchayat Union Elementary School, T.Pudukpatti, Chellampatti Panchayat Union, Madurai District.

4.Based on audit objection, the 7th respondent has passed the impugned order dated 04.10.2016, cancelling the earlier proceedings for sanction of the selection grade increment for the post of Headmaster and directed the petitioner to deposit a sum of Rs.1,31,304/- in the treasury office.

5.The learned counsel for the petitioner submitted that when an order is passed, affecting the petitioner's interest, the respondents should have given an opportunity of hearing to the petitioner and as the principles of natural justice stands violated, the impugned order is liable to be set aside.

6.In the light of the submissions made and also from the perusal of the orders passed, it is clear that opportunity of hearing is not given to the petitioner. Therefore, the order passed by the 7th respondent dated 04.10.2016 is set aside and the matter is remitted back to the 7th respondent. The 7th respondent is directed to give an opportunity of hearing to the petitioner and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of order copy.



7. The Writ Petition is ordered accordingly. No costs. Consequently, conned WMP(MD)No.14371 of 2016 is closed.

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Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
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Chennai - 600 009.
2. The Secretary to Government,
Government of Tamil Nadu,
Finance Department,
Fort St. George, Chennai - 600 009.
3. The Secretary to Government,
Government of Tamil Nadu,
Personal and Administrative Reforms Dept.,
Fort St. George, Chennai - 600 009.
4. The Director of Elementary Education,
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5. The District Elementary Educational Officer,
Madurai District, Madurai.
6. The Additional Assistant Elementary
Educational Officer,
Chellampatti, Madurai District.

- + 1 CC TO Mr.K.HEMA KARTHIKEYAN, ADVOCATE IN SR No. 62153
- + 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 62341
- + 1 CC TO Mr.P.GUNASEKARAN, ADVOCATE IN SR No. 62554

MJ

TE/GSV-PM : 17/11/2016 : 3P/10C

WP(MD)No.19970 of 2016
19.10.2016