



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19971 of 2016

G.Gerald Raj

... 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 School 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

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records of the 7th respondent in his proceedings in No.19971 of 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

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 25.07.1990 in Veerama Munivar Vidaya Sala Middle School, Madurai. Subsequently he was appointed in the Panchayat Union Middle School, Sakkarappakayakanur on 04.10.1996. 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 28.12.2000. Thereafter, the petitioner was promoted and posted as Headmaster in the Panchayat Union Elementary School, Veerapandi, 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.1,47,258/- 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 further orders on merits and in accordance with law.

7.The Writ Petition is ordered accordingly. No costs. Consequently, connected WMP(MD)No.14372 of 2016 is closed.

Sd/-

Assistant Registrar (AE)



To

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 School 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.

+1 CC to Mr.K.HEMAKARTHIKEYAN, Advocate, SR No.62154

+1 CC to Mr.P.GUNASEKARAN, Advocate, SR No.62555

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.62346

WP (MD) No.19971 of 2016

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SH/KM:15.11.2016:3P/11C