



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.05.2017

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

WEB COPY

W.P. (MD) No.9381 of 2017 and
W.M.P. (MD) Nos.7136 & 7137 of 2017

R.S.Devakirubai Rajamani

... Petitioner

-vs-

1. State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai-9.
2. The Director of Elementary Education,
DPI Campus, Chennai-6.
3. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
4. The Assistant Elementary Educational Officer,
Pappakudi, Tirunelveli District.
5. The Head Master,
Hindu Middle School,
Pappakudi, Tirunelveli District.

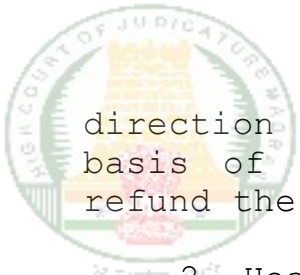
... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, issue a writ of certiorarified mandamus calling for the records pertaining to the order passed by the 4th respondent in his proceedings in Na.Ka.No.1197/a1/2015 dated 17.04.2017 and quash the same as illegal and consequently direct the respondents to continue to pay the salary on the basis of given incentive increments to the petitioner and to refund the recovered amount within stipulated time.

For Petitioner : Mr.T.A.Ebenezer

For Respondents : Mrs.S.Bharathi
Government AdvocateO R D E R

<https://hcservices.ecourts.gov.in/petitions/> This petition has been filed, seeking to quash the impugned order dated 17.04.2017 passed by the 4th respondent in his proceedings in Na.Ka.No.1197/a1/2015. The petitioner also sought a



direction to the respondents to continue to pay the salary on the basis of given incentive increments to the petitioner and to refund the recovered amount.

2. Heard the learned counsel on either side.

WEB COPY

3. Though several points have been urged by the petitioner in the affidavit filed in support of this petition to challenge the impugned order, the main ground canvassed by the petitioner is that the impugned order has been passed without giving an opportunity of hearing to the petitioner, thereby there is a violation of principles of natural justice and therefore, on that sole ground, the impugned order is liable to be set aside.

4. In view of the above and also finding force in the contention raised by the petitioner, this writ petition is allowed and the impugned order dated 17.04.2017 passed by the 4th respondent is set aside. The matter is remitted to the 4th respondent for fresh consideration, who in turn shall pass orders within a period of eight weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To:

1. The Secretary to Government of Tamil Nadu,
Department of School Education,
Secretariat, Fort St.George,
Chennai-9.
2. The Director of Elementary Education,
DPI Campus, Chennai-6.
3. The District Elementary Educational Officer,
Tirunelveli District, Tirunelveli.
4. The Assistant Elementary Educational Officer,
Pappakudi, Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.57662

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.57485

ar

RL/7C/2P/MR/SAR2/1.6.2017

W.P. (MD) No.9381 of 2017