

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.4182 of 2018

Mrs.K.Suganthi Bala .. Petitioner

1. Additional Assistant Elementary Educational Officer
Tiruvarur, Tiruvarur District 614 708
2. District Elementary Educational Officer
Tiruvarur District ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the entire records relating to impugned proceedings Na.Ka.No.1253/A1/2017 dated 31.01.2018 issued by the first respondent and to quash the same and consequently directing the respondents to continue to pay the incentive increment due to the petitioner for acquiring B.Ed., degree.

For Petitioner :: Mr.V.J.Arul Raj
For Respondents:: Mr.P.Raja
Government Advocate

ORDER

This writ petition has been filed challenging the impugned order dated 31.1.2018 seeking to recover the incentive increment granted to the petitioner for having acquired the B.Ed., degree. As she has been getting the incentive increment from May 2012, the impugned order dated 31.1.2018 has been passed directing the petitioner to repay the increment given for acquiring the B.Ed., degree in one instalment.

2. As the impugned order does not show that the petitioner has been issued with any notice calling for explanation, the learned Government Advocate for the respondents also submitted that the impugned order shall be treated as a notice and the petitioner may be given two weeks time to submit her explanation to the competent authority to enable him to pass appropriate orders.

3. Recording his statement, the petitioner, having been issued with the impugned order without notice, has rightly come to this Court complaining of the violation of the principles of

audi alteram partem. Therefore, the impugned order passed without notice is directed to be treated as a notice and the petitioner is given two weeks time from the date of receipt of a copy of this order to give her explanation. On receipt of the explanation from the petitioner, the respondents shall consider the same on merits and pass appropriate orders in accordance with law within a period of four weeks thereafter. Till then, the respondents shall not precipitate the matter. The writ petition is disposed of accordingly. Consequently, W.M.P.No.5129 of 2018 is closed. No costs.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Additional Assistant Elementary Educational Officer
Tiruvarur, Tiruvarur District 614 708.
2. The District Elementary Educational Officer
Tiruvarur District.

+ 1 cc to Mr.V.J. Arul Raj, Advocate Sr.15099
+ 1 cc to Government Pleader SR.15365

(CS-DR)
EU(19/03/2018)

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