

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. No.1291 of 2018 &
W.M.P. Nos.1621 and 1622 of 2018

K.Usha Rani

..Petitioner

Vs.

1. The Chief Secretary,
Educational Department,
Chennai - 600 009
 2. The Director of Elementary School Education,
Chennai - 6
 3. The District Educational Elementary School Officer
Tiruvallur,
Tiruvallur District
 4. Additional Elementary Educational School
Officer, Minjur, Ponneri Taluk
Pin: 601 203, Tiruvallur District
 5. Additional Assistant Elementary Educational
School Officer, Minjur, Ponneri Taluk
Pin: 601 203
Tiruvallur District
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for records relating to proceedings of the 5th respondent in Na.Ka.No.456/A1/2017 dated 20.11.2017, quash the same and consequently direct the respondents to extend all benefits of pay fixation and other monetary benefits arising thereto.

For Petitioner : Mrs.Sarala Chidambaram

For Respondents: Mr.A.Raja Perumal
Additional Government Pleader

O R D E R

This Writ Petition has been directed against the impugned order of recovery dated 20.11.2017 passed by the 5th respondent / Additional Assistant Elementary Educational School Officer, Minjur, Tiruvallur District in Na.Ka.No.456/A1/2017 dated 20.11.2017 in and by which the 5th respondent has directed the petitioner to pay back the incentive increment received for having acquired B.Ed qualification after attaining Head Master of Middle School.

2. Heard the learned counsel on either side and perused the documents placed on record.

3. A careful perusal of the impugned order dated 20.11.2017 clearly shows that the petitioner was not issued with any notice calling for explanation as to how she is not entitled to receive the amount and therefore, questioning the validity of the order on the ground that the said order has been passed violating the principles of natural justice, since no notice or opportunity was given before passing the impugned order of recovery, this Writ Petition has been filed.

4. With the consent of other side, taking note of the fact that there has been no notice issued to the petitioner and also considering the fact that Additional Assistant Educational Elementary School Officer, Thiruvallur/ 5th respondent has granted permission by allowing the petitioner to study B.Ed on 21.05.2014 and based on the permission granted by the 5th respondent, the petitioner has acquired B.Ed., and subsequently, she was granted incentive increment for acquiring higher qualification, this Court, deems it fit and proper to direct both the petitioner and the 5th respondent to treat the impugned order dated 20.11.2017, as a mere notice and the petitioner is directed to give her explanation within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation / explanation, if any, [to be submitted by the petitioner], the 5th respondent shall consider and pass orders within a period of three weeks thereafter.

With the aforesaid directions, this Writ Petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

ssd

To

- 1 The Chief Secretary,
Educational Department,
Chennai - 600 009
2. The Director of Elementary School Education,
chennai - 6
3. The District Educational Elementary School Officer
Tiruvallur,
Tiruvallur District
4. Additional Elementary Educational School
Officer, Minjur, Ponneri Taluk
Pin: 601 203, Tiruvallur District
5. Additional Assistant Elementary Educational
School Officer, Minjur, Ponneri Taluk
Pin: 601 203
Tiruvallur District

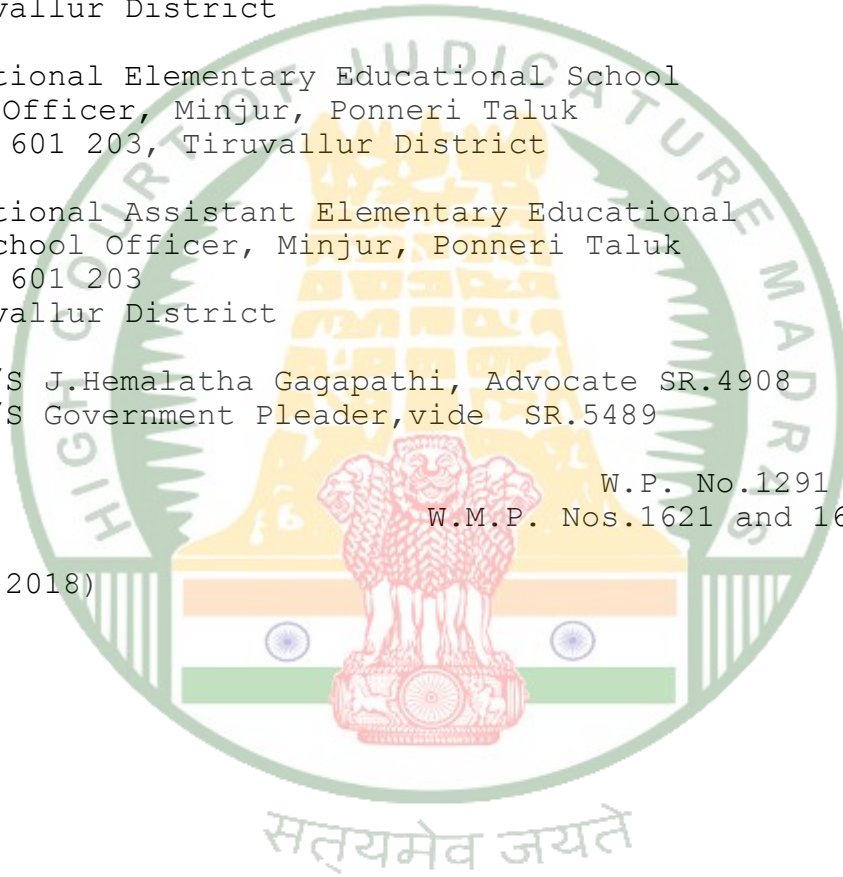
+1CC to M/S J.Hemalatha Gagapathi, Advocate SR.4908

+1CC to M/S Government Pleader, vide SR.5489

W.P. No.1291 of 2018 &
W.M.P. Nos.1621 and 1622 of 2018

CNR (CO)

VUM(10.02.2018)



WEB COPY