



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.03.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD)No.2594 of 2018
and
WMP(MD)No.2795 of 2018

J.Sheela

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep.by the Principal Secretary,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
4. The Additional Assistant Elementary
Educational Officer,
Kalayarkovil, Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No.1423/Aa1/2017 dated 19.10.2017 and the proceedings in Na.Ka.No.1423/Aa1/2017 dated 25.10.2017 and quash the same.

For petitioner : Mr.M.Saravanan

For respondents : Mr.K.Saravanan,
Government Advocate

ORDER

Heard the learned counsel on either side.

2. The petitioner is presently working as Headmistress in a Panchayat Union Middle School. The issue on hand relates to pay fixation. The petitioner was issued with a show cause notice dated 10.10.2017 calling upon the petitioner to offer her explanation as to why her pay should not be downgraded on the ground that it was erroneously fixed.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The show cause notice is based on the communication dated



18.05.2011 issued by the Government. The petitioner offered her explanation and pointed out that there has been a subsequent clarification vide Letter No.7296/S/2012-1 dated 14.05.2012 in this regard. But, the fourth respondent has proceeded to pass the impugned order without even considering the petitioner's explanation fully, particularly her reference to the Government's clarificatory letter dated 14.05.2012.

4. Since the impugned order has been passed without considering the petitioner's explanation fully, the same is liable to be quashed. The matter is remitted to the file of the fourth respondent and the fourth respondent is directed to pass orders afresh in accordance with law in the light of the above said Letter No.7296/S/2012-1 dated 14.05.2012.

5. This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
School Education Department,
The Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
2. The Director of Elementary Education,
D.P.I. Campus, College Road,
Nungambakkam, Chennai - 600 006.
3. The District Elementary Educational Officer,
Sivagangai, Sivagangai District.
4. The Additional Assistant Elementary
Educational Officer,
Kalayarkovil, Sivagangai District.

+1CC to Mr.R.Subramanian Advocate in SR.No.55858,
+1CC to Special Government Pleader in SR.No.56284.

SKM

DS/SV/MMS/SAR-3 :16.05.2018: 2P/7C

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and

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