



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.02.2018
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No. 917 of 2018
and
W.M.P. (MD). Nos. 964 & 965 of 2018

S.James .. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Assistant Elementary Educational Officer,
Tiruvadanai,
Ramanathapuram District. .. Respondents

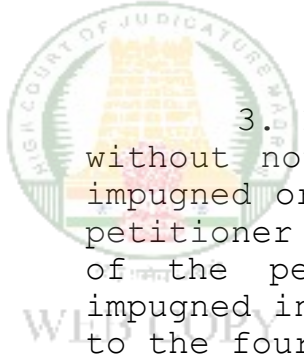
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for records relating to the impugned proceedings issued by the fourth respondent Assistant Elementary Educational Officer in Na.Ka.No.941/A1/2017, dated 22.12.2017 quash the same.

For petitioner : Miss. Amala
for M/s.Isaac Chambers
For respondents : Mr. J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Heard the learned Counsel on either side.

2. The petitioner is working as Headmistress in Panchayat Union Middle School, Anjukottai, Ramanathapuram District. For acquiring the higher qualification of M.A., and B.Ed., she was sanctioned with two incentive increments. The sanction orders were passed way back in the year 2011 and 2014. Now by the impugned order, recovery is sought to be made on the ground that the said incentive increments were wrongly awarded.



3. It is not in dispute that the recovery orders were passed without notice to the petitioner. Therefore, on this ground the impugned order is set aside. The learned Counsel appearing for the petitioner would submit that the issue on hand is covered in favour of the petitioner in another decision. Therefore, the order impugned in this writ petition is quashed and the matter is remitted to the fourth respondent.

4. With this observation and liberty to the fourth respondent to proceed afresh in accordance with law, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of Elementary Education,
College Road, Chennai - 600 006.
- 3.The District Elementary Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Assistant Elementary Educational Officer,
Tiruvadanai,
Ramanathapuram District.

+1cc to M/S.Isaac Chambers, Advocate SR.No. 49722
+1cc to Special Government Pleader, SR.No. 49792

ORDER MADE IN
W.P. (MD) No. 917 of 2018
19.02.2018

kmi
JM/JC/SAR 4/04.05.2018/2P/7C