



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.01.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.21855 of 2017
&
WMP (MD) Nos.18150 and 18151 of 2017

N.Tamilarasu ... Petitioner
Vs.

1.The Director of School Education,
DPI Complex,
College Road, Chennai.

2.The Chief Educational Officer,
Ramanathapuram.

3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.

4.The Headmaster,
S.N.V.Government Higher Secondary School,
Emaneswaram,
Ramanathapuram District.

5.The Regional Accounts Officer (Audit)
School Education Department,
Madurai - 2.

... Respondents

Prayer : This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 5th respondent in his proceedings in Na.Ka.No.655/A11/2017 dated 22.03.2017 and the consequential order passed by the 4th respondent in his proceedings in Na.Ka.No.269/2017 dated 07.07.2017 and quash the same and direct the respondents to allow the petitioner to continue to have the same benefit.

For Petitioner	: Mr.V.Panneer Selvam
For Respondents	: Mr.K.Saravanan,
1,2,3 & 5	Government Advocate

O R D E R

The petitioner is working as a teacher in the fourth respondent's school. He was given an incentive increment for having acquired higher educational qualification. Subsequently, by the



impugned order dated 22.03.2017, the fifth respondent took the view that the issue will have to be re-examined and if any excess pay had been made, the same should be recovered. The said communication was sent to fourth respondent. Based on the same, the fourth respondent passed the impugned order dated 07.07.2017 stating that steps for recovery are being taken. It is this under challenge in this writ petition.

2.The fourth respondent had already made up his mind. The impugned order suffers from the vice of predetermination. If according to the respondents 4 and 5, the writ petitioner had been erroneously given any incentive increment, the writ petitioner ought to be put on notice before taking any adverse action. It is not open to the respondents 4 and 5 to take steps for downgrading the writ petitioner's pay behind his back.

3.In this view of the matter, the order impugned in this writ petition stands quashed. The respondents 4 and 5 shall however be at liberty to take steps in accordance with law, of course, after affording due opportunity to the writ petitioner.

4.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

- 1.The Director of School Education,
DPI Complex,
College Road, Chennai.
- 2.The Chief Educational Officer,
Ramanathapuram.
- 3.The District Educational Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Regional Accounts Officer (Audit),
School Education Department,
Madurai - 2.

+1cc to M/S.V.Panneer Selvam, Advocate SR.No. 42922

+1cc to Special Government Pleader, SR.No. 42843

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