



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) Nos.23872 of 2017
and
WMP (MD) No.20005 of 2017

S.Thaha Mohamed

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
Secretariat, Chennai.
- 2.The Director of Elementary Education,
O/o the Director of Elementary Education,
College Road, Chennai - 6.
- 3.The District Elementary Educational
Officer,
O/o the District Elementary Educational
Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The Assistant Elementary Educational
Officer,
O/o. The Assistant Elementary Educational
Officer, Thiruvadanai,
Ramanathapuram District.

... Respondents

Prayer : This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order issued by the fourth respondent in his impugned proceedings in ந.க.எண்.941/அ1/2017, dated 11.12.2017 and quash the same as illegal.

For Petitioner

: Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents

: Mr.J.Gunaseelan Muthaiah,
Addl. Government Pleader

ORDER

The petitioner is working as a B.T.Assistant (English) in Panchayat Union Middle School. The fourth respondent has passed the impugned order dated 11.12.2017 calling upon the writ petitioner to credit in the Government treasury, the amounts paid to him as incentive increment. It has been further made clear in the impugned communication that if such a remittance is not made within 7 days, action will be taken. It is beyond dispute that such an order of recovery has been passed without any prior show cause notice to the petitioner.

2. Therefore, on the ground of violation of principles of natural justice, the impugned communication is quashed. The respondents are at liberty to proceed afresh in accordance with law after giving due notice to the writ petitioner. With this liberty, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The Secretary to Government, The State of Tamil Nadu,
School Education Department,
Secretariat, Chennai.
2. The Director of Elementary Education,
O/o the Director of Elementary Education,
College Road, Chennai - 6.
3. The District Elementary Educational
Officer,
O/o the District Elementary Educational
Officer,
Ramanathapuram,
Ramanathapuram District.
4. The Assistant Elementary Educational
Officer,
O/o. The Assistant Elementary Educational
Officer, Thiruvadanai,
Ramanathapuram District.

+One cc to M/s.Ajmal Associates, Advocate, SR.No.45501

skm

RL/6C/2P/GT/SAR3/12/2/2018

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