

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.20285 of 2005

B.Malathy Thankachy

.. Petitioner

.Vs.

1.The District Elementary Education Officer,
Erode.

2.The Add.Asst.Elementary Education Officer,
Kangeyam,
Erode District.

3.The Principal Accountant Genral,
Teynampet,
Chennai-600 018.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, for a Writ of Certiorarified Mandamus call for the records relating to the order of the first Respondent dt.9.6.03 issued in Ref.No. ஒ.மு.எண்/2383/அ4/2003 and the consequential order of the second Respondent dt.15.7.03 issued in Ref.No.Na.Ka.No.706/அ 2/2002 and quash the same and direct the Respondents to award the selection Grade to the petitioner with effect from 1.10.84 notionally and monetary benefits with effect 1.4.86 and special grade with effect from 22.9.87 with all consequential benefits.

For Petitioner : Mr.P.Rajesh
Selvi Rajesh

For R 1 & R 2 : Mr.P.Raja
Government Advocate

For R 3 : Mrs.T.S.Selvarani

O R D E R

The instant writ petition is filed to issue a writ of Certiorarified Mandamus, to call for the records relating to the order of the first Respondent dt.9.6.03 issued in Ref.No. x/K/vz;/2383/m.4/2003 and the consequential order of the second Respondent dt.15.7.03 issued in Ref.No.Na.Ka.No.706/m 2/2002 and quash the same and direct the Respondents to award the selection Grade to the petitioner with effect from 1.10.84 notionally and monetary benefits with effect 1.4.86 and special grade with effect from 22.9.87 with all consequential benefits.

2.The learned counsel for the petitioner states that similar orders of recovery were issued in favour of other persons were challenged before this Court by way of writ petitions and writ appeals and the same came to be dismissed. However, on filing SLP, the recovery orders were set aside by the Hon'ble Supreme Court of India in SLP (C) No.11684 of 2012 in State of Punjab & Ors .Vs. Rafiq Masih [White Washer] and Others] reported in [2015 (4) SCC 334]. Since the SLP has been allowed, the impugned orders herein are also to be set aside in the light of the judgment passed by the Hon'ble Supreme Court of India for similarly placed persons.

3.The learned counsel for the respondents did not dispute the settled position.

In view of the submissions made by the learned counsel for the petitioner, the impugned orders stand set aside and the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//सत्यमेव जयते

Sub Assistant Registrar

KP

To

1.The District Elementary Education Officer,
Erode.

2.The Add.Asst.Elementary Education Officer,
Kangayam,
Erode District.

3.The Principal Accountant Genral,
Teynampet, Chennai-600 018.

+1cc to Mr.P.Rajesh, Advocate sr.79228

W.P.No.20285 of 2005

ad(co)
nr 14/11/2019



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