



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WEB COPY

W.P (MD) No.13630 of 2019

and

WMP (MD) No.10202 of 2019

V.Pandiammal

.. Petitioner

Vs.

1.The Director of School Education,
DPI Compound,
Chennai - 600 006.

2.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The Headmistress,
Government Girls High School,
Nadukkallur,
Tirunelveli 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 of the third respondent in his proceedings in Na.ka.No.151/2018-19 dated 08.04.2019 and quash the same as illegal.

For Petitioner : Mr.A.Rajaram

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

Challenging the impugned order of recovery passed by the third respondent dated 08.04.2019, this writ petition has been filed.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

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

3.According to the petitioner, she is working as



B.T. Assistant in the third respondent school. The petitioner was sanctioned one incentive increment comprising of two normal increments on the date of her appointment on 15.09.2010 and subsequently, second increment was sanctioned for M.Phil., degree from 18.01.2013. While so, based on the audit report, the third respondent passed the impugned order of recovery dated 08.04.2019, directing the petitioner to pay the excess amount paid to her. Challenging the same, the petitioner is before this Court seeking the aforesaid relief.

4. The learned counsel for the petitioner submitted that before passing the impugned order of recovery, no opportunity of hearing was given to the petitioner and therefore, the order passed by the third respondent is *per se* illegal and the same violates the principles of natural justice.

5. The learned Special Government Pleader for the respondents, on instructions, submitted that the third respondent passed the impugned order based on the audit report. Further, the third respondent has not disputed the fact that the petitioner was not given opportunity of hearing before passing the impugned order.

6. A mere perusal of the impugned order passed by the third respondent dated 08.04.2019, would reveal that no opportunity of personal hearing was afforded to the petitioner, before passing the said order. The said fact is also not disputed by the learned Special Government Pleader for the respondents. Therefore, this Court holds that the impugned order is vitiated on the ground of violation of principles of natural justice.

7. Accordingly, the impugned order passed by the third respondent in Na.ka.No.151/2018-19 dated 08.04.2019 stands quashed and the matter is remitted to the third respondent for fresh consideration. The third respondent shall pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

8. This writ petition is allowed accordingly. No costs. Consequently, WMP (MD) No.10202 of 2019 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //



To

1.The Director of School Education,
DPI Compound,
Chennai - 600 006.

2.The District Educational Officer,
Tirunelveli,
Tirunelveli District.

3.The Headmistress,
Government Girls High School,
Nadukkallur,
Tirunelveli District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-70501[F] dated 21/06/2019)

+1 CC to M/s.SPL GP (SR-70700[F] dated 21/06/2019)

MJ

W.P (MD) No.13630 of 2019
20.06.2019

KM/ (03.07.2019) 3P 6C