

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 04.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) No.1124 of 2015**

R.Leela Mary

... Petitioner

vs.

1.Government of Tamil Nadu

rep.by its Secretary

Department of School Education

Fort St.George, Chennai

2.The Branch Officer

Office of the Principal Accountant General

(Accounts & Entitlements)

Tamil Nadu and Pondicherry

Chennai-18

3.The Director of School Education

Chennai-6

4.The District Elementary Educational Officer

Ramnad

5.The Correspondent

Hameedia Matriculation School

Keelakarai, Ramnad District

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus calling for the records pertaining to the impugned order passed by the 4th Respondent bearing Na.Ka.No. 04597/A2/2011 dated .12.2014 and signed on 16.12.2014 and quash the same with the further direction directing the Respondents to refix the petitioner's pay and pension in the light of G.O.No.143, passed by the 1st respondent, dated 30.01.1987.

For Petitioner : Ms.Porkodi Karnan

for M/s.Polax Legal Solutions

For Respondents: Mrs.S.Srimathi

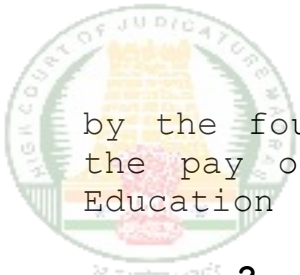
Special Government Pleader for R1, R3,R4

No appearance for R5

For Respondent:Mr.P.Gunasekaran for R2

ORDER

The relief sought for in the present writ petition is to quash the order dated nil.12.2014 and signed on 16.12.2014, passed



by the fourth respondent and to direct the respondents to refix the pay of the writ petitioner in the light of G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987.

2. With reference to the very same Government Order, this Court has considered the grounds raised, by order dated 28.02.2018, in W.P.No.20326 of 2013. The relevant paragraph of the said order is extracted hereunder:

"6.The learned counsel appearing on behalf of the Principal Accountant General contended that the G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987, which is a parent Government Order is a fake Government Order. On verification, no such Government Order was passed by the Government at all. Whether any prosecution or criminal complaint is lodged in respect of the fake Government Order produced by some of the teachers are not known. Government has to verify how many consequential Government Order are passed and monetary benefits were granted to such similarly placed teachers. The actions taken by the Government in this regard are not explained by the respondents."

3. This Court considered the grounds raised by the respondents and found that no such Government order was passed by the Government in G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987. The said Government Order itself was a fabricated one and based on the said Government Order no such relief as such sought for can be granted by the High Court.

4. This being the factum, no further adjudication is required in respect of the grounds set out in the present writ petition, as the very G.O.Ms.No.143, Education (V2) Department, dated 30.01.1987, itself was found as fraudulent.

5. Accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To:

1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St.George, Chennai.

2.The Branch Officer,
Office of the Principal Accountant General,
(Accounts & Entitlements),
Tamil Nadu and Pondicherry,
Chennai-18.

3.The Director of School Education,
Chennai-6.

4.The District Elementary Educational Officer,
Ramnad.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-73627[F] dated 05/07/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-73774[F] dated 05/07/2019)

+1 CC to M/s.SPL GP (SR-74005[F] dated 08/07/2019)

krk

W.P. (MD) No.1124 of 2015
04.07.2019

KM/(15.07.2019) 3P 8C