



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P(MD)No.16405 of 2019 and

WMP(MD).Nos. 13067 and 13068 of 2019

WEB COPY

S. Arularasi

... Petitioner

Vs.

1. The Chief Educational Officer,
Thanjavur, Thanjavur District.

2. The District Educational Officer,
Thanjavur, Thanjavur District.

3. The Block Educational Officer,
Papanasam, Thanjavur District.

4. The Manager,
Kassimiya Dawood Middle School,
Rajagiri - 614 207, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the 3rd respondent in Na.Ka.No.39/A2/2019, dated 25.06.2019 and to quash the same and consequently, directing the third respondent to restore the scale of pay of the petitioner with salary benefits from the date of initial appointment.

For Petitioner : Mr.G. Sankaran

For R1 to R3 : Mrs. S. Srimathy

Special Government Pleader

ORDER

This Writ Petition has been filed to quash the impugned order passed by the 3rd respondent in Na.Ka.No.39/A2/2019, dated 25.06.2019 and consequently, direct the third respondent to restore the scale of pay of the petitioner with salary benefits from the date of her initial appointment.

2. According to the petitioner, she is working as a Secondary Teacher in the Education Department. The present impugned recovery order has been passed without providing any opportunity of hearing to the petitioner. Therefore, the said order passed by the third respondent is suffered from legal infirmity mainly on the ground that the third respondent passed the said order by violating the principles of natural justice.



3. Mrs. S. Srimathy, learned Special Government Pleader appearing for the respondents, after verifying the records, submitted before this Court, that the impugned recovery order has been passed, without providing an opportunity of hearing to the petitioner.

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4. Considering the facts and circumstances of the case, the impugned order passed by the third respondent suffers from infirmity only on the ground that he has not provided any opportunity to the petitioner while passing the impugned order. The respondents have to follow the procedure while passing the impugned recovery proceedings, by giving an opportunity to the petitioner to submit her explanation. Therefore, this Court is inclined to pass the following order:

i) The impugned recovery order passed by the 3rd respondent in Na.Ka.No.39/A2/2019, dated 25.06.2019 is liable to be quashed and accordingly it is quashed and the matter is remitted back to the third respondent to pass fresh orders, after providing an opportunity of hearing to the petitioner.

ii) The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. In the result, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Educational Officer,
Thanjavur, Thanjavur District.

2. The District Educational Officer,
Thanjavur, Thanjavur District.

3. The Block Educational Officer,
Papanasam, Thanjavur District.

+1 CC to SPL GP (SR-78833[F] dated 31/07/2019)

+1 CC to MR.F.DEEPAK, Advocate (SR-79026[F] dated 01/08/2019)

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