



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.5691 of 2020

and

W.M.P. (MD) .No.4965 of 2020

WEB COPY

R.Deebarani

... Petitioner

Vs.

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Ramanathapuram District.

2.The District Educational Officer,
O/o. the District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Headmaster,
Government Higher Secondary School,
Parthibanur,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.9009/Aa4/2019, dated 29.02.2020 on the file of the respondent No.1 and quash the same as illegal and consequently forbear the respondents from cancelling the incentive increment granted to the petitioner without providing opportunity of hearing to the petitioner.

For petitioner
For respondents

: Mr.T.Lajapathi Roy
: Mr.N.Shanmugaselvan,
Additional Government Pleader

ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The learned counsel for the petitioner submitted that the petitioner was appointed as B.T.Assistant on 17.09.2005 and she has completed B.Lit. Degree in the year 2002, B.Ed. Degree in the year 2004, M.A. (Tamil) Degree in the year 2005, M.A. (Economics) Degree in the year 2015. The respondents have issued an incentive increment to the petitioner for acquiring higher qualification. While so, the first respondent, by order dated 29.02.2020, cancelled the incentive increment granted to the petitioner and also ordered



to recover the same, without providing an opportunity, on the impression that the petitioner has acquired B.Ed. Degree as well as M.A. Degree in one and the same academic year. The petitioner has completed her B.Ed. Degree in the year 2004 and joint 2nd year M.A. Degree in the year 2005 and therefore, the question of acquiring two degrees in the same academic year does not arise. The copies of educational certificates are with the respondents. As there is no suppression on the part of the petitioner, order of recovery cannot be sustained. If the respondents furnished a copy of the complaint against the petitioner in respect of incentive increment and provided an opportunity of hearing to the petitioner, she would clarify the matter. As the first respondent has passed the impugned order without any notice or without providing an opportunity, to the petitioner, the impugned order may be set aside. Thus, he prayed to allow this writ petition.

3. Heard the learned Additional Government Pleader appearing for the respondents on the above submission made by the learned counsel for the petitioner.

4. A perusal of record shows that the impugned order dated 29.02.2020 has been passed by the first respondent without issuing any notice and without providing an opportunity of hearing to the petitioner. As it is apparent that the first respondent has passed the impugned order in violation of the principles of natural justice, this Court is inclined to set aside the impugned order and to remit the matter back to the first respondent for passing order afresh after following due process of law.

5. In view of the above, the impugned order dated 29.02.2020 is set aside and the matter is remitted to the file of the first respondent for passing an order afresh, after following the due process of law.

6. This Writ Petition stands disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Gcg



To

1.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Ramanathapuram District.

2.The District Educational Officer,
O/o. the District Educational Officer,
Paramakudi,
Ramanathapuram District.

3.The Headmaster,
Government Higher Secondary School,
Parthibanur,
Ramanathapuram District.

+1 CC to M/s.SPL.GP (SR-12687[F] dated 20/03/2020)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-12750[F] dated
20/03/2020)

W.P. (MD) No.5691 of 2020
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KB(26/05/2020) 3P 6C