



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

Writ Petition (MD)No.17690 of 2020

and

W.M.P. (MD) .Nos.14774, 14775 and 14777 of 2020

WEB COPY

Mrs.S.Vimal Rani

...Petitioner

Vs.

1.State of Tamil Nadu

represented by its Principal Secretary,
School Education (PaKa5(2)) Department,
Fort St. George,
Chennai -9.

2.The Director of School Education,
DPI Campus,
Chennai -6.

3.The Correspondent,
St. Joseph Girls' Higher Secondary School,
Ponmalaipatti,
Trichy District.

4.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-2.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Government Order in G.O.Ms.No.177 School Education [PaKa5(2) Department dated 13.10.2016 on the file of the Respondent No.1 in so far as fixing 13.07.1992 as cut off date for acquiring B.T. degree for the purpose of first incentive and the consequential impugned order in Na.Ka.No.2729/A7/2019, dated 04.11.2019 signed on 06.05.2020 on the file of the respondent No.4 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentive increment for acquiring B.Lit. Degree and P.G. Diploma in Yoga within the time period stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

For Respondents

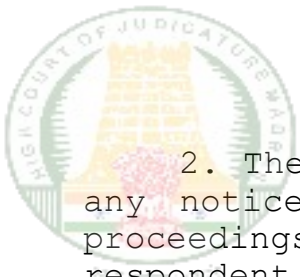
: Mr.N.Shanmugaselvam

Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the fourth respondent dated 04.11.2019 and thereby a ~~separate~~ proceedings has been initiated against the petitioner.

<https://hservices.courts.gov.in/hservices>



2. The main grievance of the petitioner is that without issuing any notice to the petitioner to explain her case, the recovery proceedings has been initiated by the impugned order of the fourth respondent, dated 04.11.2019.

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3. The learned Additional Government Pleader appearing for the respondents fairly submitted that a direction may be issued to the third respondent to issue notice to the petitioner and to conduct a detailed enquiry and thereafter pass an order with regard to the audit objection.

4. This Court has heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents and perused the materials placed before this Court.

5. On perusal of the records, it is seen that based on the audit objection, the third respondent School has wrongly paid the incentive increment to the petitioner for acquiring P.G. Diploma in Yoga. Therefore, the same should be recovered. In this regard, the fourth respondent sent a letter to the third respondent to take appropriate action to recover the same. Based on the impugned order, the third respondent has initiated the recovery proceedings against the petitioner. The petitioner's grievance is that without any proper notice, the third respondent has initiated the recovery proceedings.

6. In view of the above, this Court directs the third respondent to issue notice to the petitioner, so as to enable her to send reply and on receipt of the same, the third respondent has to verify as to whether the petitioner is entitled to get the increment or not, based on the qualification of P.G. Diploma in Yoga and thereafter, the same may be communicated to the fourth respondent to enable him to remove the audit objection and in case, if the third respondent is not satisfied with the reply, he may be permitted to pass appropriate orders, after receipt of the reply from the petitioner.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

akv

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



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
State of Tamil Nadu,
School Education (PaKa5(2)) Department,
Fort St. George,
Chennai -9.
- 2.The Director of School Education,
DPI Campus,
Chennai -6.
- 3.The Correspondent,
St. Joseph Girls' Higher Secondary School,
Ponmalaipatti,
Trichy District.
- 4.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-2.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-24319[F] dated 08/12/2020)

+1 CC to M/s.SPL GP (SR-24452[F] dated 08/12/2020)

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SSS(CO)
KB(22.12.2020) 3P 7C