



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.14904 of 2014

and

M.P(MD) .No.1 of 2014

WEB COPY

N.Krishnan

... Petitioner

-Vs-

1.The School Education Finance Control Officer,
Tamil nadu School Education Department,
Chennai 600 006.

2.The Chief Educational Officer,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the order passed by the first respondent by his proceedings Na.Ka.No.098568/H/E1/2013 dated 23.07.2014 and the consequential order passed by the second respondent by his proceedings Na.Ka.No.298/A4/2014 dated 05.08.2014 and quash the same.

For Petitioner

: Mr.M.O.Thevankumar

For Respondents

: Mr.J.Gunaseelan Muthiah

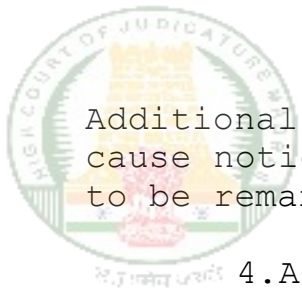
Additional Government Pleader

ORDER

The order of recovery passed by the first respondent in proceedings, dated 23.07.2014 is under challenge in the present writ petition.

2.The petitioner was appointed as Post Graduate Teacher and subsequently, promoted as Headmaster on 22.06.2012. Eight computer and four free laptop were stolen from the store room of the School and the police case was also registered. In this regard, action was initiated and an order of recovery was imposed to make good financial lose occurred to the State exchequer. However, the learned counsel for the petitioner reiterated that no show cause notice or opportunity was provided to the writ petitioner to defend his case in the manner known to law.

3.Any order affecting the service condition or the monetary benefit of the employees must be passed only after providing opportunity to the accused. In the present case, the learned



Additional Government Pleader is unable to establish that show cause notice was issued to the writ petitioner. Thus, the case is to be remanded back for reconsideration.

4. Accordingly, the following orders are passed:

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(i) The impugned order passed by the first respondent in proceedings Na.Ka.No.098568/H/E1/2013, dated 23.07.2014 and the consequential order passed by the second respondent in proceedings Na.Ka.No.298/A4/2014, dated 05.08.2014 are quashed.

(ii) the respondents are directed to issue a fresh show cause notice setting out the facts and details to the writ petitioner within a period of four weeks from the date of receipt of a copy of this order and on receipt of the show cause notice, the petitioner is directed to submit his explanation/objections within a period of three weeks from the date of receipt of the show cause notice and on receipt of the reply from the writ petitioner, the respondents are directed to consider the merits of the case and pass a speaking order within a period of twelve weeks therefrom.

5. Accordingly, the Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

RMK

To

1. The School Education Finance Control Officer,
Tamil nadu School Education Department,
Chennai 600 006.

2. The Chief Educational Officer,
Sivagangai District, Sivagangai.

+1 CC to SGP (SR-21881[F] dated 11/11/2020)

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SS (CO)

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