



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2020

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.5571 of 2014
and
M.P.(MD)Nos.1 and 2 of 2014

D.James Ponnu Raja

... Petitioner

-Vs-

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

2.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Additional Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Office,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the third respondent in his proceedings Na.Ka.No.173/A1, dated 18.02.2014 and quash the same as illegal.

For Petitioner : Mr.C.Venkateshkumar
for M/s.Ajmal Associates

For Respondents : Mrs.S.Srimathy
Special Government Pleader

ORDER

The order dated 18.02.2014 passed by the third respondent is under challenge in the present writ petition.

2.The impugned order states that the Special Grade granted to the writ petitioner in the post of Secondary Grade Teacher as erroneous and therefore, the said Special Grade granted was cancelled.

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



3.The learned counsel appearing on behalf of the writ petitioner made a submission that the recovery is proposed to be made pursuant to the cancellation of Special Grade granted to the writ petitioner.

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4.The learned Special Government Pleader appearing on behalf of the respondents made a submission that the impugned order does not reveal anything regarding the recovery of the amount already paid to the petitioner. Thus, the writ petition is devoid of merits.

5.This Court is of the considered opinion that the authorities competent are empowered to cancel the Special Grade that was granted by mistake. However, the eligibility or otherwise of the writ petitioner for grant of Special Grade is to be verified with reference to the Government Orders in force. In the present case, the Special Grade granted to the writ petitioner in the post of Secondary Grade Teacher was cancelled. The said cancellation is to be once again with reference to the rules in force. As far as the recovery is concerned, there is no whisper in the impugned order. However, it is made clear that the recovery cannot be imposed without providing opportunity to the writ petitioner and the principles of natural justice is to be followed. The Special Grade in the post of Secondary Grade Teacher was granted to the writ petitioner and accordingly, he has received his salary. The amount already paid to the petitioner cannot be recovered, thereafter. In this regard, if the petitioner is having any other grievance, it is left open to him to submit a representation to the competent authority and if any such representation is submitted, the competent authorities are bound to consider and pass appropriate orders on merits and in accordance with law within a reasonable period of time.

6.With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

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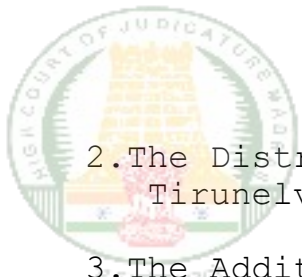
/ /2020

Sub Assistant Registrar(CS)

To

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

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



2.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Additional Assistant Elementary Educational Officer,
Office of the Assistant Elementary Educational Office,
Cheranmahadevi, Tirunelveli District.

+1 CC to M/s.Special Government Pleader (SR-19511[F] dated
08/10/2020)

W.P. (MD) .No.5571 of 2014
and
M.P. (MD) Nos.1 and 2 of 2014
06.10.2020

sjj
SDS (16.10.2020) 3P-5C