



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.20463 of 2021
and
W.M.P.No.21730 of 2021

(Through Video Conferencing)

S.Akila ... Petitioner

Vs

1.Government of Tamil Nadu,
Represented by Secretary to Government,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Joint Director,
Directorate of School Education,
College Road, Chennai - 600 006.

3.The Chief Education Officer,
O/o the Chief Education Office,
Udhagamandalam, The Nilgiris.

4.The Headmistress,
Government Girls High School,
Hubbudalai, The Nilgiris.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records on the file of the third respondent in Na.Ka.No.6805/A4/2019 dated 30.09.2019 and quash the same and consequently direct the respondents to refund the sum of Rs.1,47,780/- (One Lakh Forty Seven Thousand Seven Hundred and Eighty) which was recovered since February 2020 every month along with interest.

For Petitioner : Mr.J.R.Prabhakaran

For Respondents:

For R1 to R3 : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to third respondents.



2. The impugned recovery order has been issued to recover the incentive increment granted to the petitioner since 1998 for upgrading her qualification to M.A., B.Ed., in Sociology.

3. Since the impugned recovery order has been issued without issuance of Show Cause Notice to the petitioner, there is a Manifest violation of Principles of Natural Justice.

4. Considering the same, the impugned recovery order is set aside and the matter is remitted back to the third respondent to re-consider the issue on merits after hearing the petitioner.

5. The impugned recovery order which stands quashed shall be treated as a Show Cause Notice issued to the petitioner and the petitioner is directed to give reply, if any, to the same within a period of thirty days from the date of receipt of a copy of this order.

6. The third respondent shall pass appropriate orders in accordance with law and on merits after considering all the Government Orders. This exercise shall be carried out by the third respondent within a period of three months from the date of receipt of a copy of this order.

7. It is made clear that no recovery can be made until further orders are passed and the orders will be subject to the final outcome of the remand proceedings.

8. This Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

arb
To

1.The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Joint Director,
Directorate of School Education,
College Road, Chennai - 600 006.



3.The Chief Education Officer,
O/o the Chief Education Office,
Udhagamandalam, The Nilgiris.

4.The Headmistress,
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+1 cc to Mr.J.Prabhakaran, Advocate Sr.NO. 49373

W.P.No.20463 of 2021

and

W.M.P.No.21730 of 2021

PM(CO)

A.SK(13.10.2021)