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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.23871 of 2021

and

W.M.P.Nos.25169, 25173 & 25174 of 2021

(Through Video Conferencing)

D.Kavitha

... Petitioner

Vs.

1. The Secretary to Government,
School Education Department,
Fort St. George,
Chennai - 600009.
2. The Commissioner,
Directorate of School Education,
DPI Buildings, College Road,
Chennai - 600006.
3. The Chief Education Officer,
No.301, Collectorate Campus,
Salem - 636001.
4. The Regional Accounts Officer, (Audit),
O/o. The Regional Accounts Office,
School Education Department,
Coimbatore - 641001.
5. The Head Master,
Govt. Girls Higher Secondary School,
Attur, Attur Taluk,
Salem District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed in Na.Ka.No.2030/E9/2020 dated 24.07.2021 passed by the fourth respondent herein and quash the same as being illegal, arbitrary, unconstitutional and consequently direct the fifth respondent to disburse the petitioner's salary along with incentive increment for completion of higher qualification



without any recovery for the post of Physical Education Teacher.

For Petitioner : Mr.T.Sundaravadanam

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For R1 to R4 : Mr.L.S.M.Hasan Fizal, Govt. Adv.

O R D E R

The petitioner has challenged the impugned communication dated 24.07.2021 of the fourth respondent bearing reference Na.Ka.No.2030/E9/2020. Only the copy of said communication has been filed in support of the present Writ Petition.

2. Opposing the prayer of the petitioner in this Writ Petition, the learned Government Advocate appearing for the first to fourth respondents submits that the impugned communication is an internal communication between the officials, but, not to the petitioner and it is not clear on what basis, the petitioner has filed this Writ Petition. He further submits that unless appropriate notice are issued, no recovery will be made and therefore this Writ Petition is liable to be dismissed.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the first to fourth respondents and perused the impugned communication.

4. Since the impugned communication is an intra departmental communication between the fourth and the fifth respondents, there is no merits in this Writ Petition. At the same time, it is made clear that no recovery can be made from the petitioner without issuing proper notice to the petitioner by following the principles of natural justice.

5. This Writ Petition is dismissed with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600009.
2. The Commissioner,
Directorate of School Education,
DPI Buildings, College Road, Chennai - 600006.
3. The Chief Education Officer,
No.301, Collectorate Campus, Salem - 636001.
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O/o. The Regional Accounts Office,
School Education Department, Coimbatore - 641001.
5. The Head Master,
Govt. Girls Higher Secondary School,
Attur, Attur Taluk, Salem District.

+1cc to M/s.T.Sundaravadanam, Advocate, S.R.No.

W.P.No.23871 of 2021
and
W.M.P.Nos.25169, 25173
& 25174 of 2021

KSM(CO)
SU(29/11/2021)