



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) Nos.6091 and 6102 of 2021

and

W.M.P(MD) Nos.4738, 4739 and 4744 of 2021

WEB COPY

- 1.M.Rose Banu ... Petitioner in W.P.(MD) Nos.6091of 2021
2.S.Sridevi ... Petitioner in W.P.(MD) Nos.6102 of 2021

Vs

- 1.The Director of School Education,
O/o. the Director of School Education,
D.P.I.Complex,
Chennai.
2.The Joint Director of School Education,
O/o. the Joint Director of School Education,
DPI Complex,
Chennai.
3.The Chief Educational Officer,
O/o. the Chief Educational Office,
Sivagangai,
Sivagangai District.
4.The District Educational Officer,
O/o. the District Educational Office,
Sivagangai,
Sivagangai District.
5.The Headmaster,
Government Higher Secondary School,
Andakudi-Mithiravayal,
Sivagangai District. ... Respondents(in both W.Ps)

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order issued by the fifth respondent in his proceedings in Na.Ka.No.32/2020-20 dated 19.01.2021 and quash the same as illegal.

For Petitioner : Mr.C.Venkatesh Kumar
(in both W.Ps)
For Respondents : Mr.N.Shanmugaselvam
(in both W.Ps) Additional Government Pleader



O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioners herein, who had pursued their part time M.Phil course after obtaining permission from the Department, were sanctioned with incentive increment for possession of M.Phil decree. Subsequently, through the impugned order dated 19.01.2021, the sanctioned increment were to be recovered on the account that the Alagappa University, wherein the petitioners had pursued their M.Phil decree, is not recognised under UGC.

3.The predominant ground raised by the petitioners in the present writ petitions is that the fifth respondent had not given an opportunity to the petitioners prior to ordering recovery of the incentive increment granted. A perusal of the impugned order also does not reveal that the petitioners were put on prior notice or called for objection before cancellation of the incentive increment. Such an action is in violation of principles of natural justice and hence, this Court may be justified in invoking its extraordinary powers under Article 226 of the Constitution of India.

4.At this juncture, the learned Additional Government Pleader for the respondents submitted that the writ petitions need not be pending on that ground and that the respondents may be granted liberty to take a fresh course of action by giving a show cause notice to the petitioners on the contemplation action. Such a request seems to be reasonable.

5.In the light of the above observations, the impugned order cannot be sustained, since it is in violation of principles of natural justice and accordingly, the impugned order passed by the fifth respondent dated 19.01.2021 is hereby quashed. However, the respondents are granted liberty to issue a fresh show cause notice on their contemplated action, calling for the petitioners' objection by giving a reasonable time for submitting their objections and take further course of action, after due consideration of their objections, if any.

6.This Writ Petitions stand ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

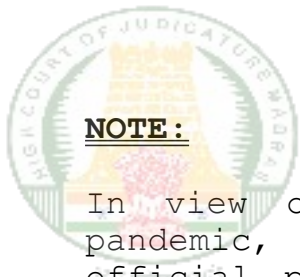
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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 Director of School Education,
O/o. the Director of School Education,
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Chennai.
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- 3.The Chief Educational Officer,
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- 5.The Headmaster,
Government Higher Secondary School,
Andakudi-Mithiravayal,
Sivagangai District.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12384[F],12382 dated 19/03/2021)

+1 CC to M/s.SPL GP (SR-12550[F] ,12551dated 19/03/2021)

W.P. (MD) Nos.6091 and 6102 of 2021
18.03.2021

SSS (CO)
KB(23.04.2021) 3P 9C