



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON:	27.01.2021
DELIVERED ON:	01.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD)No.14654 of 2020

and W.M.P.(MD) Nos.12310 & 14998 of 2020

(Through Video Conference)

WEB COPY

A.Rita Annavadivoo
Secondary Grade Teacher
T.N.D.T.A. Primary School,
S.Muthukrishnapuram,
Thoothukudi District - 628 702

... Petitioner

Vs

1) The State of Tamil Nadu
Rep. By its Secretary,
Department of School Education,
Fort St.George, Chennai 600 009

2) The Director of Elementary Education,
College Road, Chennai 600 006

3) The District Educational Officer,
Thiruchendur, Thoothukudi District.

4) The Block Educational Officer- III
Sathankulam- 628 704
Thoothukudi District.

5) The Correspondent,
T.N.T.D.A. Primary School,
S.Muthukrishnapuram,
Thoothukudi District - 628 702

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the fourth respondent Block Educational Officer in Na.Ka.No.572/Aa1/2020 dated 09.10.2020 and quash the same.

For Petitioner : Ms.Abisha Isaac George
For M/s.Isaac Chambers

For RR 1 to 4 : Mr.N.Shanmugaselvam,
Additional Government Pleader



O R D E R

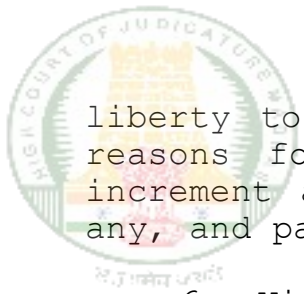
Through the impugned order dated 09.10.2020, the fourth respondent herein had cancelled the incentive-increment sanctioned to the petitioner on 27.05.2020, for possessing of M.A.Degree and directed the petitioner to refund the increment amount already received by her. In the impugned cancellation order dated 09.10.2020, the third respondent herein, had relied upon G.O.Ms.No.37 Personnel and Administrative Reforms(FR-IV) Department, dated 10.03.2020 and the proceedings of the Treasuries and Accounts Department, dated 24.09.2020. Challenging the same, the present writ petition has been filed.

2. Among various grounds raised by the petitioner, one of the ground is that, the impugned order itself is in violation of the principles of Natural Justice. Perusal of the impugned order reveals that the petitioner was not given an opportunity to put forth her objections before the cancellation of the sanctioned incentive-increment was passed and that, the Government Order in G.O.Ms.No.37 Personnel and Administrative Reforms(FR-IV) Department, dated 10.03.2020 and the proceedings of the Treasuries and Accounts Department, dated 24.09.2020 relied upon by the respondents in the impugned order, were also not served on the petitioner.

3. The petitioner herein had completed her Masters Degree in M.A.(Tamil) during the month of December 2018 and the fourth respondent had sanctioned one increment for possessing the said degree on 27.05.2020. If at all, the third respondent herein, was of the view that the petitioner was not entitled for the incentive-increment, the principles of Natural Justice requires the third respondent to put the petitioner on prior notice about the proposal for cancellation of the incentive-increment and call for her objections.

4. Likewise, there is also a duty cast upon the third respondent to assign a detailed reasoning in arriving at such a conclusion. Further, when reliance is placed on any of the government proceedings, it would be appropriate, to atleast bring it to the notice of the petitioner about the nature of the proceedings, on which, the said reliance is placed. In the absence of all these aspects, the impugned order itself is in violation of the principles of Natural Justice. Though the petitioner had raised several other grounds, in order to substantiate that she is entitled for the incentive-increment, which is now being cancelled, this Court is of the view that the ends of justice could be secured, if the respondents are granted liberty to adhere to the principles of Natural Justice by giving sufficient opportunity to the petitioner to put forth her objections and then pass a reasoned order. The impugned order, however, cannot be sustained for the reasons stated supra.

5. In the light of the above discussion, the impugned order dated 09.10.2020 is hereby quashed and the third respondent is at



liberty to issue appropriate show cause notice substantiating the reasons for the proposal to cancel the petitioner's incentive-increment and thereafter, consider the petitioner's objections, if any, and pass a reasoned order.

6. With such a liberty, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sts

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 Secretary,
Department of School Education,
Fort St.George, Chennai 600 009
 - 2) The Director of Elementary Education,
College Road, Chennai 600 006
 - 3) The District Educational Officer,
Thiruchendur, Thoothukudi District.
 - 4) The Block Educational Officer- III
Sathankulam- 628 704
Thoothukudi District.
- +1 CC to M/s.GP (SR-2890[F] dated 02/02/2021)
- +2 CC to M/s.ISSAC CHAMBERS, Advocate (SR-2952[F] dated 02/02/2021), (SR-2431[F] dated 29/01/2021)

W.P. (MD)No.14654 of 2020

Dated:

01.02.2021

MJ (CO)

KK(09.02.2021) 3P 8C

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