



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.14650 of 2020

and W.M.P. (MD) Nos.12306 & 14448 of 2020

(Through Video Conference)

C.Sasi Reka

... Petitioner

Vs

1) The Chief Educational Officer,
Ramnathapuram District.

2) The Head Master,
Government Higher Secondary School,
Pambur,
Ramnathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.24/2020 dated 03.02.2020 and quash the same and direct the respondents to confer all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam
For Respondents : Mr.N.Shanmugaselvam,
Additional Government Pleader

O R D E R

Through the impugned order dated 03.02.2020, the second respondent herein had cancelled the incentive-increment sanctioned to the petitioner on 20.11.2015, for possessing of B.Ed.Degree and directed the petitioner to refund the increment amount already received by her. In the impugned cancellation order dated 03.02.2020, the second respondent herein, had relied upon the audit report of the Zonal Accounts Officer (Audit), Department of School Education, Madurai dated 21.10.2019. 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 audit report of the Zonal Accounts



Officer (Audit), Department of School Education, Madurai dated 21.10.2019 relied upon by the second respondent in the impugned order, was also not served on the petitioner.

3. The petitioner herein had completed her B.Ed., and the Director of School Education, vide his proceedings dated 20.11.2015 had sanctioned one increment for possessing the said degree. If at all, the second respondent herein, was of the view that the petitioner was not entitled for the incentive-increment, the principles of Natural Justice requires the second 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 second 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 03.02.2020 is hereby quashed and the second 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.

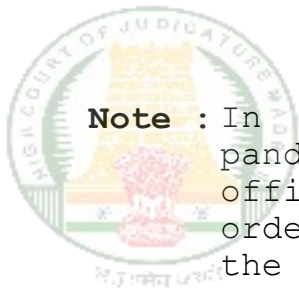
Sd/-

Assistant Registrar (CS-II)

// 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.

WEB COPY

1) The Chief Educational Officer,
Ramnathapuram District.

2) The Head Master,
Government Higher Secondary School,
Pambur,
Ramnathapuram District.

+1 CC to GP (SR-2891[F] dated 02/02/2021)

+1 CC to Mr.V.PANNEER SELVAM, Advocate(SR-2907[F] dated 02/02/2021)

W.P. (MD)No.14650 of 2020

01.02.2021

(ES)

KV(11.02.2021) 3P 5C