



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P. (MD) .No.24414 of 2018

and

W.M.P. (MD) .No.22124 of 2018

N.Shajahan

... Petitioner

vs.

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

2.The Director of School Education,
College Road,
Chennai 600 008.

3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.

4.The Headmaster,
Government Higher Secondary School,
Vellaiyapuram,
Arupukotai Taluk,
Virudhunagar District.

5.The Headmaster,
Government High School,
S.Kallupatti,
Kariyapatti Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the fourth and fifth respondents in Na.Ka.No.56/2018, dated 03.07.2018 and in Na.Ka.No.37.18.19, dated 22.10.2018 respectively and quash the same and issue a consequential direction to the respondents to grant incentive increment to the petitioner for acquiring B.P.Ed course continuously.

For Petitioner : Mr.K.Vinayagan

For Respondents : Mr.V.Om Prakash

Government Advocate



O R D E R

Having heard Mr.K.Vinayagan, learned counsel for the petitioner and Mr.V.Om Prakash, learned Government Advocate appearing for the respondents, the violation of principles of natural justice are apparent in this case.

2. Admittedly, the impugned order dated 22.10.2018, directing the recovery of incentive increment granted to the petitioner, has been passed without affording him an opportunity of responding to the proposal for recovery.

3. In light of the aforesaid admitted position, the impugned order is set aside and liberty is granted to the respondents, if they want to revive the proposal, to call upon the petitioner to tender his explanation, hear him and pass orders thereafter either confirming or rejecting the proposal. Such notice if so desired shall be issued within a period of eight weeks from the date of uploading of a copy of this order in the official website of this Court. This Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 to Government,
Government of Tamil Nadu,
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+1 CC to M/s.SPL GP (SR-40459[F] dated 27/12/2021)

W.P. (MD) .No.24414 of 2018
23.12.2021

NSN(CO)
SB(07.01.2022) 3P 7C