



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 23.12.2021**

**CORAM:**

**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

**W.P. (MD) Nos.20651 and 20652 of 2018**

**and**

**W.M.P. (MD) .Nos.18414, 18415 of 2018 and 833 of 2019**

**and**

**W.M.P. (MD) .Nos.18416, 18417 of 2018 and 832 of 2019**

WEB COPY

A.Michael Jayaraj ... Petitioner in WP(MD).No.20651/2018  
A.Robert Hendry doss ... Petitioner in WP(MD).No.20652/2018

**Vs.**

1.The District Education Officer,  
Office of the District Education Officer,  
Manapparai,  
Tiruchirapalli District.

2.The Block Education Officer,  
Marungapuri Union,  
Manapparai,  
Tiruchirapalli District.

3.The Assistant Treasury Officer,  
Sub Treasury Office,  
Manapparai,  
Tiruchirapalli District.

... Respondents in both  
Writ Petitions

**COMMON PRAYER:-** Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned proceedings bearing Na.Ka.No.441/A1/2018, dated 16.08.2018 issued by the third respondent and consequential impugned recovery proceedings issued by the second respondent bearing Na.Ka.No.Nil/A1/2018, dated 17.09.2018 and quash the same.

For Petitioner : Mr.M.Gnanagurunathan  
(in Both WPs)  
For Respondents : Mr.D.Sadiq Raja  
(in Both WPs) Additional Government Pleader

**O R D E R**

Upon dictation of order in W.P.(MD).No.20638 of 2018, dated 23.12.2021, both learned counsel bring to my knowledge that the identical issue is pending in W.P.(MD).Nos.20651 and 20652 of 2018.



2. In view of the identity of facts involved, learned counsel request that the orders dictated now in W.P.(MD).No.20638 of 2018 be adopted in the aforesaid two matters as well. Acceding to the request made, order passed in W.P.(MD).No.20638 of 2018 is taken to be passed in the aforesaid two writ petitions too. The order is extracted below:

*"The sole ground agitated by the petitioner in challenging order dated 16.08.2018 and consequential order of recovery passed by the Block Education Officer / R2 is that the impugned order has been passed without hearing the petitioner and in violation of the principles of natural justice.*

*2. Briefly, impugned order dated 16.08.2018 issued by R3, the Assistant Treasury Officer, brings to the note of the District Education Officer / R1 that an error has been occasioned in fixing the selection grade pay of the petitioner and directing recovery of the same.*

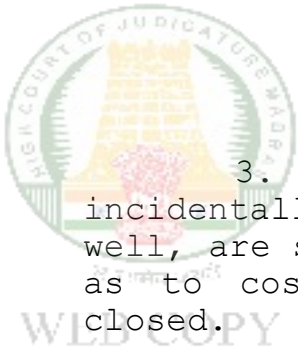
*3. As a consequence, R1 has issued proceedings in Na.Ka.No.Nil/A1/2018, dated 17.09.2018 calling upon the petitioner to remit the amount wrongfully granted or in the alternate to furnish an explanation as to why the same not be recovered within a period of three days.*

*4. The petitioner has obtained interim protection as a result that he continues to receive the selection grade pay till date. Admittedly, no explanation has been furnished as called for under order dated 17.09.2018.*

*5. Thus and in order to ensure compliance of the principles of natural justice, the petitioner is permitted to tender an explanation before R1 on the recovery proposed, within a period of three weeks from today.*

*6. Upon receipt of the explanation, the petitioner shall be heard and a speaking order be passed either accepting or rejecting his contentions, within a period of four weeks from the date of personal hearing of the petitioner.*

*7. The interim protection granted by this court shall continue up until, and subject to passing of orders as aforesaid, by R1. This Writ Petition is disposed as above. No costs. Consequently, connected Miscellaneous Petitions are closed."*



3. Impugned orders dated 16.08.2018 and 17.09.2018 which, incidentally, refers to the petitioner W.P.(MD).No.20638 of 2018 as well, are set aside. These Writ Petitions are disposed with no order as to costs. Consequently, connected Miscellaneous Petitions are 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 District Education Officer,  
Office of the District Education Officer,  
Manapparai,  
Tiruchirapalli District.

2.The Block Education Officer,  
Marungapuri Union,  
Manapparai,  
Tiruchirapalli District.

3.The Assistant Treasury Officer,  
Sub Treasury Office,  
Manapparai,  
Tiruchirapalli District.

+2 CC to M/s.M.GNANAGURUNATHAN, Advocate ( SR-40318 & 40319[F] dated 23/12/2021 )

+1 CC to M/s.SPL GP ( SR-40438[F] dated 27/12/2021 )

Order made in  
**W.P. (MD) Nos.20651 & 20652 of 2018**

Dated: **23.12.2021**

VR(CO)

TR(01.02.2022) 3P 7C