

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WRIT PETITION NO.11330 OF 2014

S.Hamsaveni
Head Mistress,
Government Higher Secondary School (Girls),
Kadathur, Pappireddipatti. Tk.,
Dharmapuri District.
Pin - 635 303.

...Petitioner

-Vs-

1. The State Of Tamil Nadu
Rep. by its Principal Secretary to Government,
Special Programme Implementation Department,
Fort St. George,
Chennai - 600 009.

2. The Director of School Education,
College Road,
Chennai 600 006.

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

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned order passed by the 3rd respondent herein in proceedings Na.Ka.No.8152/A1/2013, dated 12.02.2014, and quash the same.

For Petitioner : Mr. P.Prasanth
for Mr. R.Muthukkannu

For Respondents: Mr.L.S.M.Hasan Fizal
Additional Government Pleader

O R D E R

The order of recovery dated 12.02.2014 to recover the financial loss occurred to the State, is under challenge in the

present writ petition.

2. The petitioner was holding the post of Headmistress of the Higher Secondary School (Girls), Kadathur. The Government of Tamil Nadu introduced the Scheme of free distribution of Laptops to the students studying in the Higher Secondary Course [both boys and girls] from the academic year 2012-2013. As per the Scheme, 204 Laptops were distributed to the School where the petitioner was working. The Headmistress has to distribute the laptops to the eligible students. The petitioner admitted the fact that she received 204 Laptops on 20.09.2013 to be distributed to the students.

3. The petitioner states that she kept the Laptops in the Store Room of the school, adjacent to the room of the Headmistress under lock and key. However, on 01.10.2013, the Headmaster of the Government Higher Secondary School (Boys), informed the petitioner that the store room was broke opened on 30.09.2013 night. Totally 64 Laptops were missing out of 204 and 11 laptops were recovered from the nearby Thoppu. On the same day, the petitioner gave a complaint to the local police. The police also verified and found that 53 Laptops were missing and they commenced their investigation. The petitioner states even at the time of filing of the present writ petition, the case was under investigation and four laptops were recovered by the concerned police and handed over to the Court. Under these circumstances, the respondents issued the impugned order of recovery dated 12.02.2014 to recover the financial loss with reference to the 53 Laptops, which were missing from the school.

4. The learned counsel for the petitioner made a submission that the petitioner is not responsible for the financial loss as she kept the Laptops in the Store Room of the school under lock and key and the same was broke opened and 53 laptops were stolen and the petitioner immediately registered a complaint and the case is under investigation even at the time of filing of the present writ petition. Thus, the petitioner is to be exonerated from the recovery proceedings.

5. The learned Government Advocate appearing on behalf of the respondents objected the said contention raised on behalf of the learned counsel for the petitioner by stating that the Government issued circulars and the Headmasters are responsible for the safety of Laptops handed over to them.

6. In the present case, the petitioner failed to take appropriate steps to protect the 204 Laptops supplied to her to be distributed to the students studying in the school. Therefore, there was lapse on the part of the petitioner in safeguarding the Laptops supplied by the Government and thus,

the petitioner is liable to settle the financial loss occurred to State Exchequer.

7. This Court is of the considered opinion that admittedly 204 Laptops were handed over by the Government Authorities to the petitioner, who was holding the post of Headmistress during the relevant point of time. Further, the petitioner admitted the fact that she received 204 Laptops and stored all the Laptops in the Store Room of the school under lock and key and no doubt, the petitioner herself has stated in the affidavit that while the Store Room of the school where all the Laptops were kept was broke open and, 53 Laptops were stolen and she lodged a complaint with the local police and the matter is under investigation. The financial loss occurred to the State Exchequer is to be compensated by the officials, who all are responsible and accountable. If at all the Laptops were recovered subsequently by the Police Officials, then alone the petitioner can seek appropriate relief, but not otherwise.

8. Recovery of financial loss occurred to the State Exchequer cannot be compared with the departmental proceedings. The State properties are handed over to the officials, who all are expected to safeguard the same in the manner contemplated. If at all there is a lapse, negligence or otherwise and financial loss is caused to the Taxpayers' money, then the said amount is to be recovered from the officials, who all are responsible and accountable over such financial losses. Thus, mere recovery of financial loss cannot be construed as penal action. It is only a recovery to make good the financial loss occurred to the State and hence, the petitioner is at liberty to pursue the criminal case and if the Laptops were recovered and handed over to the State, then the petitioner can seek appropriate relief to the extent the Laptops were recovered or otherwise.

9. The learned counsel for the petitioner made a submission that four Laptops were found by the concerned police and handed over to the Court. If that is the case, the petitioner is at liberty to approach the Competent Authorities to modify the order with reference to the Laptops, which were recovered during the pendency of the writ petition or otherwise. If at all the financial loss occurred to the State Exchequer is to be recalculated, the same is to be done by following the procedures. However, this Court cannot interfere with the order of recovery to make good the financial loss occurred to the State Exchequer due to the loss of Laptops supplied to the Headmaster to be distributed for the benefits of students studying in the school.

10. With the abovesaid observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

sha/ars

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Special Programme Implementation Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Dharmapuri District,
Dharmapuri.

+1cc to the Government Pleader, S.R.No.34874

W.P.No.11330 of 2014

AJB(CO)
RGA(11/07/2022)