



WEB COPY

W.P(MD)No.96 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.96 of 2022

and

W.M.P (MD) .No.79 of 2022

A.Mabel Shanthi

... Petitioner

versus

1.The Chief Educational Officer,
Kanniyakumari District.

2.The Head Master,
Government Higher Secondary School,
Kumarapuram Thoppur,
Kanniyakumari District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.109 of 2021 dated 22.12.2021 and quash the same.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

This writ petition has been filed against the order of cancelling the incentive increments provided to the petitioner and the consequent order of recovery.

2. The learned counsel for the petitioner submits that the impugned order has been passed without providing any opportunity to the petitioner. The incentive increment is provided to the petitioner for several years and without any notice the impugned order is passed denying the incentive increment to the petitioner.

3. The learned Additional Government Pleader appearing for the respondents submit that the petitioner is not entitled for the incentive increments, as per the Government Order in G.O(1D).No.18 School Education (E2) Department dated 18.01.2013 and therefore the mistake has been rectified by the impugned order.



4. On perusal of the records, it is seen that the impugned order has been passed without providing any opportunity to the petitioner, which is in violation of the principle of natural justice.

5. Considering the rival submissions and the limited prayer sought for in the writ petition, this writ petition is disposed of with a directions to the respondent to provide an opportunity to the petitioner and to decide the case afresh by assigning the reasons for the decision. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// 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 Chief Educational Officer,
Kanniyakumari District.

2.The Head Master,
Government Higher Secondary School,
Kumarapuram Thoppur,
Kanniyakumari District.

+1 CC to M/s.SPL.GP (SR-3997[F] dated 03/02/2022)

W.P (MD) No.96 of 2022

02.02.2022

_RD(31.03.2022) 2P 4C