



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD) No.1934 of 2022
and
W.M.P (MD) .No.1660 of 2022

L.Vijayakumar

... Petitioner

versus

1.The Commissioner of School Education,
O/o.the Commissioner of School Education,
DPI Compound,
College Road,
Chennai.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar,
Virudhunagar District.

3.The District Educational Officer,
O/o.The District Educational Office,
Virudhunagar District.

4.The Regional Account Officer(Audit),
School Education Department,
Madurai.

5.The Head Master,
Government Higher Secondary School,
Uppathur, Virudhunagar District.

6.The Registrar,
Ponniyah Ramajayam Institute of Science and
Technology (PRIST) University,
Yagappa Chavadi,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, calling for the records relating to the impugned proceedings vide ந.க.எண்.114 of 2021 dated 08.11.2021 passed by the 5th respondent and quash the same



For Petitioner : Mr.Venkatesh Kumar
For Respondents : Mr.J.Ashok
Additional Government Pleader

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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 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/-

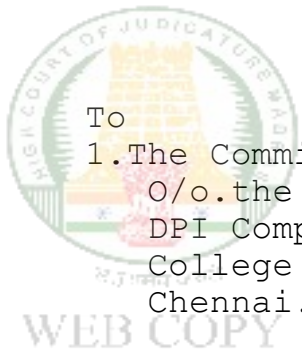
Assistant Registrar (Writs)

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/ /2022

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.



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+1CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3894[F] dated 03/02/2022)

+1 CC to M/s.SPL.GP (SR-3998[F] dated 03/02/2022)

W.P (MD) No.1934 of 2022
02.02.2022

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