



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 2528 of 2022

and

W.M.P. (MD) Nos. 2225 and 2227 of 2022

Rani,
W/o Kannan,
(Post Graduate Teacher - English),
Government Girls Higher Secondary School,
Pandhalgudi, Aruppukkottai,
Virudhunagar District.

... Petitioner

Vs.

1. The Commissioner of School Education,
Directorate of School Education,
Chennai - 600 035.
2. The Regional Accounts Officer (Audit),
Regional Accounts Office,
Department of School Education,
Tallakulam,
Madurai - 625 002.
3. The Headmaster,
Government Girls Higher Secondary School,
Pandhalgudi, Aruppukkottai,
Virudhunagar District.
4. The Registrar,
Alagappa University,
Karaikudi,
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining the impugned undated proceedings of the second respondent and consequent proceedings of the third respondent in Na.Ka.No.100/A1/2021 dated 10.08.2021 and quash the same consequently, direct the first to third respondents to permit the petitioner to receive the incentives of the M.Phil., summer sequential programme.



For Petitioner : Mr.M.Ramu

For Respondents: Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1 to R3
Mr.Muthuvel for R4 for M/s.Issac Chamber

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O R D E R

The intimation provided to the writ petitioner by the third respondent / Headmaster in proceedings dated 10.08.2021 is under challenge in the present Writ Petition.

2. The issue in nutshell raised is that a recovery is imposed without any show cause notice to the writ petitioner. Admittedly, an audit objection was raised in respect of grant of incentive increment for acquiring additional educational qualification. The audit party raised an objection on the ground that the petitioner is not eligible for incentive increment. The third respondent Headmaster provided information to the writ petitioner stating that the actions are proposed to be taken for cancellation of incentive increment and recovery of excess amount paid.

3. The intimation provided to the petitioner cannot constitute a cause of action for the purpose of entertaining the Writ Petition. The information itself shall be taken as a notice to the writ petitioner. On receipt of any such information that the actions are proposed for recovery, then the petitioner is entitled to submit her explanation / objection in respect of the proposed recovery to be made based on the audit objection raised. Thus, the impugned information shall be treated as a notice to the writ petitioner and the writ petitioner is at liberty to submit her explanation / objection along with the documents, orders if any within a period of one week from the date of receipt of a copy of this order. On receipt of any such reply / objection from the petitioner, the Competent Authority / respondents are bound to consider the explanation and take a decision on merits and in accordance with law and pass a speaking order as expeditiously as possible.

4. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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1. The Commissioner of School Education,
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Alagappa University,
Karaikudi,
Sivagangai District
- +1 CC to M/s.SPL GP (SR-5317[F] dated 10/02/2022)
- +1 CC to M/s.M.RAMU, Advocate (SR-5447[F] dated 10/02/2022)
- +1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-5601[F] dated 11/02/2022)

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