



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No. 2581 of 2022

and

W.M.P. (MD) Nos. 2282 and 2284 of 2022

Gana Jeba Mani

... 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 Higher Secondary School,
Kovilangulam,
Ramanathapuram 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 proceedings of the third respondent in Na.Ka.No.13/2022 dated 31.01.2022 and the proceeding of the second respondent in Na.Ka.No.2890/A4/2021 dated 01.11.2021 stopping the petitioner's incentive and quash the same consequently, direct the first to third respondents to permit her to receive the incentives of the M.Phil., summer sequential programme.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.G.V.Vairam Santhosh

Additional Government Pleader for R1 to R3

Mr.Muthuvel for R4

for M/s.Issac Chamber



O R D E R

The order impugned dated 31.01.2022 reveals that the third respondent Headmaster directed the petitioner to deposit the excess amount of incentive increment granted to the petitioner in the treasury and submit the receipt for the same.

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2. The learned counsel appearing for the petitioner made a submission that without issuing any show cause notice and based on the audit objection raised, the third respondent Headmaster passed the impugned order of recovery directly and the petitioner had no opportunity to submit her explanations. Any order affecting the rights of the employee should be passed only after providing an opportunity to such an employee. In the event of not providing an opportunity, the same is to be construed as in violation of the principles of natural justice.

3. In this view of the matter, the order impugned dated 31.01.2022 is to be treated as show cause notice / intimation to the petitioner regarding the proposed recovery based on the audit objection. Under these circumstances, the respondents are directed to treat the proceedings dated 31.01.2022 as a show cause notice and the writ petitioner is directed to submit her explanation / objection along with the documents if any within a period of one week from the date of receipt of a copy of this order. On receipt of any such explanation / objection from the petitioner, the respondents / Competent Authority is directed to consider the case on merits and in accordance with law and pass speaking order by assigning reasons within a period of four weeks thereafter.

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 (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The Commissioner of School Education,
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Chennai - 600 035.
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Regional Accounts Office,
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3. The Headmaster,
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Kovilangulam,
Ramanathapuram District.

4. The Registrar,
Alagappa University,
Karaikudi,
Sivagangai District.

+1 CC to M/s.M.RAMU, Advocate (SR-5445[F] dated 10/02/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-5603[F] dated 11/02/2022)

+1 CC to M/s.SPL GP (SR-5340[F] dated 10/02/2022)

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RS(26.02.2022) 3P 8C