



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:09.03.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.3212 of 2022

and WMP Nos.2802& 2803 of 2022

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Pandiselvi

... Petitioner

Vs.

- 1.The Secretary
Higher Education Department
Secretariat, Chennai 600 009.
- 2.The Commissioner of School Education,
Directorate of School Education,
Chennai 35
- 3.The Regional Accounts Officer (Audit)
Regional Accounts Office,
Department of School Education,
Tallakulam, Madurai
- 4.The Headmaster
Government Higher Secondary School
Perungalur
Pudukottai District.
- 5.The Registrar
Alagappa University
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings of the 4th respondent in Na.Ka.No.299/2021 dated 28.01.2022 along with the undated proceeding of the 3rd respondent and quash the same consequently direct the respondents 1 to 4 to permit the petitioner to receive the incentives for the M.Phil., summer sequential programme.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.G.V.Vairam Santhosh
for R1 to R4
Government Advocate
Mr.P.Muthuvel for
M/s.Isaac Chambers for R5



ORDER

The impugned order of recovery issued in proceedings dated 28.01.2022 reveals that there was an audit objection in respect of grant of incentive increment to the writ petitioner for acquiring additional educational qualifications.

2. The learned counsel for the petitioner made a submission that the incentive increment granted to the petitioner is sought to be recovered by the 4th respondent without issuing any show cause notice or explanation by the writ petitioner.

3. The learned Additional Government Pleader made a submission that based on the audit report of the third respondent, the 4th respondent issued the impugned proceedings.

4. Any order affecting the rights of the employees must be passed only after providing an opportunity to defend their case.

5. In view of the above principles, the order impugned passed by the 4th respondent in proceedings dated 28.01.2022 is quashed. The matter is remanded back to the 4th respondent. The 4th respondent is directed to issue show cause notice setting out all the facts and details within a period of four weeks from the date of receipt of a copy of this order. On receipt of the show cause notice, the petitioner is directed to submit an explanation/objection, if any, within a period of two weeks. Thereafter, the competent authority shall consider the objections and based on the materials available on record, pass appropriate orders on merits as expeditiously as possible.

6. The writ petition stands allowed. No costs. Consequently connected Miscellaneous Petitions are closed..

Sd/-
Assistant Registrar(Crl.Side)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

RR

To

1.The Secretary
Higher Education Department
Secretariat, Chennai 600 009.



2.The Commissioner of School Education,
Directorate of School Education,
Chennai 35

3.The Regional Accounts Officer (Audit)
Regional Accounts Office,
Department of School Education,
Tallakulam, Madurai

4.The Headmaster
Government Higher Secondary School
Perungalur
Pudukottai District.

5.The Registrar
Alagappa University
Karaikudi, Sivagangai District.

+1 CC to M/s.SPL GP (SR-11220[F] dated 10/03/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-11308[F] dated 10/03/2022)

+1 CC to M/s.M.RAMU, Advocate (SR-11334[F] dated 10/03/2022)

W.P. (MD) No.3212 of 2022
09.03.2022

MK/18.03.2022/3P/9C