



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.6096 of 2022

W.M.P(MD).Nos.4746 and 4747 of 2022

V.Andandan

... Petitioner

Vs.

1.The Joint Director of School Education,
Higher Education,
Directorate of School Education,
Chennai.

2.The District Education Officer,
Madurai District,
Madurai.

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

4.M/s.Thiyagrajai Model Higher Secondary School,
Rep.by its Head Master,
Theppakulam,
Madurai.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified calling for the records relating to the impugned proceedings of the third respondent in Na.Ka.855/A10/2021 dated 05.04.2021 insofar as it relates to the Serial No.21(1) is concerned and quash the same as illegal.

For Petitioner	:	Mr.M.Jerin Mathew
For Respondents	:	Mr.G.V.Vairom Santhosh
		Additional Government Pleader
		for RR1 to 3



O R D E R

The internal communication between the respondent Nos.3 and 4 in proceedings dated 05.04.2021 is under challenge in the present Writ Petition.

2. The petitioner is working as Teacher in the fourth respondent Private Aided School.

3. The grievance of the writ petitioner is that the Regional Accounts Officer [Audit] has sent a letter to the Headmaster of the Fourth respondent in the impugned proceedings dated 05.04.2021 stating that the audit objections are to be rectified within a period of two months. The said order was not initially communicated to the petitioner.

4. It is an instruction issued by the third respondent to the fourth respondent School and the said letter would not provide a cause for the writ petitioner to move the present Writ Petition. Once an audit objection regarding erroneous fixation of pay or excess pay has been raised, then the Competent Authority shall issue a show cause notice to the aggrieved persons and after receiving the explanation/objection, the final orders are to be passed on merits and in accordance with law. In the present case, the said process has not been commenced and the petitioner has challenged the internal communication letter issued by the third respondent to the fourth respondent. Therefore, the writ is premature and the respondents have to follow the procedures by issuing show cause notice and provide an opportunity to the petitioner if at all any excess payment or wrong fixation has been done.

5. With this clarification, this Writ Petition stands dismissed. However, there shall be no order as to costs. Connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (A.D. II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

ssb



To

1.The Joint Director of School Education,
Higher Education,
Directorate of School Education,
Chennai.

2.The District Education Officer,
Madurai District,
Madurai.

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

+1 CC to M/s.SPL GP (SR-16333[F] dated 04/04/2022)

+1 CC to M/s.M. JERIN MATHEW, Advocate (SR-16957[F] dated
06/04/2022)

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PA(13.04.2022) 3P 6C