



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.10263 of 2021

and

W.M.P (MD) .Nos.7949, 7950 and 11025 of 2021

WEB COPY

S.Selvan

... Petitioner

versus

1.State of Tamil Nadu

Rep by its Principal Secretary,
School Education [PaKa5(2)] Department,
Fort. St.George,
Chennai-9.

2.The Director of School Education,
DPI Campus,
Chennai-6.

3.The Headmaster,
Government Higher Secondary School,
Neduvayal,
Achanputhur,
Tenkasi District.

4.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-02.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 15.03.2021 on the file of the respondent No.3 and quash the same as illegal and consequently for a direction, forbearing the respondents from cancelling the incentive increment granted to the petitioner for acquiring P.G.Diploma in Yoga within the time period stipulated by this Court.

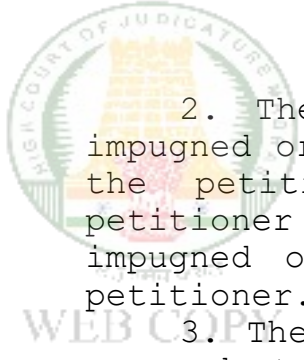
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.J.Ashok

Additional Government Pleader

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 issuing 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 in G.O.Ms.No.177 dated 13.10.2016 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 Petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

tta

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.

To

1. The Principal Secretary,
Government of Tamil Nadu,
School Education [PaKa5(2)] Department,
Fort. St.George,
Chennai-9.

2.The Director of School Education,
DPI Campus,
Chennai-6.



3.The Headmaster,
Government Higher Secondary School,
Neduvayal,
Achanputhur,
Tenkasi District.

4.The Regional Accounts Officer (Audit),
Department of School Education,
Madurai-02.

+1 CC to M/s.T.LAJAPATHI ROY,Advocate (SR-3834[F] dated
03/02/2022)

+1 CC to M/s.SPL.GP (SR-3990[F] dated 03/02/2022)

W.P(MD)No.10263 of 2021
02.02.2022

MGJ(31.03.2022) 3P 7C