



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.11451 & 11452 of 2021 and
W.M.P(MD) .Nos.8969, 8971, 12289 & 12297 of 2021

N.Vimala ... Petitioner in W.P(MD).No.11451 of 2021
S.Thilagam ... Petitioner in W.P(MD).No.11452 of 2021
Vs.

1.The District Educational Officer,
Ilupur, Pudukkottai District.

2.The Block Educational Officer
Kundrandarkovil Union,
Pudukkottai District. ... Respondents in both petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records relating to the Impugned Order of the second respondent in Na.Ka.No.83/A2/2021 dated 28.04.2021 and quash the same.

In both petitions

For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

C O M M O N O R D E R

The order of recovery impugned was issued in proceedings dated 28.04.2021 based on the audit objections raised.

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2. The respondents are unable to establish that a show cause notice was issued to the petitioners for the purpose of defending their case. Thus, the order impugned is in violation of the principles of natural justice. Any order affecting the rights of the employee should be passed only after providing an opportunity to defend their case.

3. In view of the facts and circumstances, the order impugned passed by the second respondent in proceedings Na.Ka.No.83/A2/2021 dated 28.04.2021 is quashed and the matter is remanded back to the second respondent for issuing a 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 petitioners are at liberty to submit their explanations/objections within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the second respondent shall consider the explanation and the relevant documents, and pass appropriate orders on merits and in accordance with law as expeditiously as possible.

4. Accordingly, the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

To

1.The District Educational Officer,
Ilupur, Pudukkottai District.

2.The Block Educational Officer
Kundrandarkovil Union, Pudukkottai District.

+2 CC to M/s.T.PON RAMKUMAR, Advocate (SR-9557[F]dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9779[F] dated 03/03/2022)

order made in

W.P.(MD) No.11451 & 11452 of 2021

02.03.2022

PNK(12.03.2022) 2P 6C

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