



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.15721 of 2021 and
W.M.P(MD).Nos.12661 & 12663 of 2021

Kalaiararsi

... Petitioner

Vs.

- 1 Government of India
Rep. by Deputy Educational Adviser,
Ministry of Human Resources Development,
Government of India, New Delhi.
- 2 State of Tamilnadu
Rep. by its Principal Secretary,
Department of School Education,
Fort. St.George,
Chennai-9.
- 3 The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai-6.
- 4 The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education (Personnel),
DPI Campus, Chennai-6.
- 5 The Chief Educational Officer
O/o. the Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
- 6 The District Educational Officer,
O/o. the District Educational Officer,
Paramakudi, Ramanathapuram District.
- 7 The Secretary cum Correspondent,
Kshatriya Nadar Girls Higher Secondary School,
Kamuthi,
Ramanathapuram District.



8 The Regional Accounts Officer (Audit),
School Education,
Tallakulam,
Madurai-625002.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order dated 12.08.2021 on the file of 7th Respondent and quash the same as illegal within the time stipulated by this Honble Court.

For Petitioner : Mr.T.Lajapathi Roy
Mr.P.Subbiah (GSC for R1)
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for RR 2 to 6 and 8
No-appearance for R7

O R D E R

The order of recovery impugned was issued in proceedings dated 12.08.2021.

2. The respondents are unable to establish that a show cause notice was issued to the petitioner for the purpose of defending her 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 seventh respondent in proceedings dated 12.08.2021 is quashed and the matter is remanded back to the seventh respondent for issuing a show cause notice to the petitioner 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 at liberty to submit her explanation/objection within a period of two weeks from the date of receipt of a copy of the show cause notice. Thereafter, the seventh 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 (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ssb

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- To
- 1 The Deputy Educational Adviser,
Government of India,
Ministry of Human Resources Development,
Government of India, New Delhi.
 - 2 The Principal Secretary,
State of Tamilnadu,
Department of School Education,
Fort. St.George,
Chennai-9.
 - 3 The Director of School Education,
O/o. the Director of School Education,
DPI Campus, Chennai-6.
 - 4 The Joint Director of School Education (Personnel),
O/o. the Joint Director of School Education (Personnel),
DPI Campus, Chennai-6.
 - 5 The Chief Educational Officer
O/o. the Chief Educational Officer,
Ramanathapuram, Ramanathapuram District.
 - 6 The District Educational Officer,
O/o. the District Educational Officer,
Paramakudi, Ramanathapuram District.
 - 7 The Regional Accounts Officer (Audit),
School Education,
Tallakulam,
Madurai-625002.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-9649[F] dated 03/03/2022)

+1 CC to M/s.P.SUBBIAH, Advocate (SR-9610[F] dated 02/03/2022)

+1 CC to M/s.SPL GP (SR-9745[F] dated 03/03/2022)

W.P.(MD) No.15721 of 2021

02.03.2022

MGJ(14.03.2022) 3P 11C