



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20305 of 2019

and

W.M.P. (MD) Nos.16918 & 16921 of 2019

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K.R.M.Anbu Kulanthaivel

... Petitioner

Vs.

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

Municipal High School

Melur, Madurai District

4.The Regional Accounts Officer (Audit)

Department of School Education

Madurai-02

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records pertaining to the impugned Government Order in G.O.Ms.No.177, School Education (PaKa5(2)) Department, dated 13.10.2016, on the file of the first respondent in so far as fixing 13.07.1992 as cut off date for acquiring B.Ed. Degree for the purpose of first incentive and the consequential impugned order in Na.Ka.1285/A10/2019, dated 27.06.2019, on the file of the fourth respondent and to quash the same as illegal and consequently, for a direction directing the respondents to grant two incentive increment for acquiring B.Ed. Degree and P.G.Diploma in Yoga within the time period stipulated by this Court.

For Petitioner : Mr.T.LAJAPATHI ROY, Advocate

For Respondents : Mr.G.V.VAIRAM SANTHOSH

Additional Government Pleader

O R D E R

The petitioner has raised issues with reference to the eligibility for grant of incentive increment. The Government Order regarding the policy of incentive increment is under challenge in this writ petition. However, the learned counsel for the petitioner



submitted that the petitioner restricts his relief only with reference to the impugned recovery order and in respect of the Government Order is concerned, he will approach the Government.

2. It is seen that the impugned recovery order, dated 27.06.2019, passed by the fourth respondent, has been issued without show cause notice to the petitioner. However, the said order reveals that the fourth respondent has communicated the said order to the Headmaster of the School. Therefore, the impugned order of recovery was not officially communicated to the petitioner. As far as the internal communication is concerned, the same would not give any cause in respect of recovery is concerned. In such circumstances, the competent Authority has to issue a show cause notice to the petitioner based on the order dated 27.06.2019, passed by the fourth respondent and on receipt of explanation / objection from the petitioner, a final decision is to be taken on merits and in accordance with law.

3. However, the impugned order, dated 27.06.2019, which is an internal communication between the fourth respondent and the Headmaster of the School cannot be a ground to state that show cause notice has not been issued to the petitioner. Thus, the competent Authority shall issue a show cause notice to the petitioner and after receiving explanation, final decision is to be taken regarding recovery.

4. With this clarification, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(A.D.I)

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

To:

- 1.The Principal Secretary,
School Education (PaKa5(2)) Department,
State of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, Chennai-6.
- 3.The Headmaster,
Municipal High School,
Melur, Madurai District.

<https://hcservices.ecourts.gov.in/hcservices/>



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

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+1 cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No.5225

+1CC to Special Government Pleader SR.No.5309

W.P. (MD) No.20305 of 2019

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