



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WEB COPY

W.P (MD) No.21502 of 2021
and
W.M.P (MD) .No.18068 of 2021

I.Jayarani

... Petitioner

versus

1. The Director of School Education,
DIP Campus,
College Road,
Chennai-600 006.
2. The Chief Educational Officer,
Sivagangai,
Sivagangai District.
3. The District Educational Officer,
Sivagangai,
Sivagangai District.
4. The Head Master,
Government Higher Secondary School,
Allingaram,
Thiruppuvanam,
Sivagnagai District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Declaration, declaring the recovery of incentive increment granted to the petitioner for acquiring B.Ed degree vide proceedings in Na.Ka.No.074/2018 dated 17.09.2018 issued by fourth respondent as illegal, as it was without notice or any enquiry and also forbear the respondents from in any manner making any further recovery of any incentive granted to the petitioner for acquiring higher qualifications in P.G.Diploma in yoga and B.Ed degree and consequently direct them to reimbursement the petitioner, the amounts recovered from petitioner paid towards incentive increments.

For Petitioner : Mr.V.R.Shanmuganathan

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 dated 20.11.2015 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 Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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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 Director of School Education,
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Chennai-600 006.
2. The Chief Educational Officer,
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Sivagangai District.
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Sivagangai District.
4. The Head Master,
Government Higher Secondary School,
Allingaram, Thiruppuvanam,
Sivagnagai District.

+1 CC to M/s.SPL.GP (SR-3996[F] dated 03/02/2022)

+1 CC to M/s.VR.SHANMUGANATHAN, Advocate (SR-4298[F] dated 04/02/2022)

W.P (MD)No.21502 of 2021

02.02.2022

USK/30.03.2022/3P/7C