



W.P.No.27333 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27333 of 2023

Dr.G.Kamala Kannan

... Petitioner

Versus

1.The Principle Secretary to Government,
Health & Family Welfare Department,
Govt. of Tamil Nadu, Secretariat,
Chennai – 600 009.

2.The Directorate of Medical Education,
Kilpauk, Chennai.

3.The Dean of the Government
Thiruvannamalai Medical College,
Thiruvannamalai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the 3rd respondent in Proc.No.K.Dis.3858/E1(1)/2022 dated 18.08.2023 and quash the same.

For Petitioner : Mr.Swarnam J Rajagopalan
For Respondents : Mr.V.Jeevagiridharan,
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the order, dated 18.08.2023 made in Proc.No.K.Dis.3858/E1(1)/2022 by the 3rd respondent.



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2.The grievance of the Writ Petitioner is that the impugned order has been passed for recovery of excess amount of Rs.1,15,650/- which is said to have been paid wrongly to the petitioner.

3.The learned counsel appearing for the petitioner submitted that the impugned order has been passed even without giving any show cause notice to the petitioner, hence, the same cannot be sustained in the eye of law.

4.Whereas the learned Additional Government Pleader, who takes notice on behalf of the respondents, on instructions, submitted that the impugned order is appealable one and the petitioner can raise all the grounds including violation of Principles of Natural Justice before the concerned appellate authority.

5.Since there is alternate remedy is available for the petitioner, the petitioner is directed to file an appeal challenging the impugned order before the concerned appellate authority, within one month, from the date of receipt of a copy of this order and raise all the grounds raised before this



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Court with regard to the violation of Principles of Natural Justice and violation of show cause notice.

6.If such grounds are raised, the appellate authority shall decide the appeal on the basis of the grounds in the appeal, particularly, with regard to the violation of Principles of Natural Justice. Till one month, the recovery order cannot be effected.

7.With the above directions, this Writ Petition stands disposed of.

No costs.

19.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Principle Secretary to Government,
Health & Family Welfare Department,
Govt. of Tamil Nadu, Secretariat,
Chennai – 600 009.

2.The Directorate of Medical Education,
Kilpauk, Chennai.



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3.The Dean of the Government
Thiruvannamalai Medical College,
Thiruvannamalai.

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