



W.P.(MD)No.463 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.463 of 2023
and
W.M.P.(MD) No.434 of 2023

Shenbagavalli

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Thanjavur.
- 2.The District Educational Officer,
Thanjavur District, Thanjavur.
- 3.The Block Educational Officer,
Kumbakonam, Thanjavur District.
- 4.The Headmaster,
Srinagar Colony Government Aided School,
Kumbakonam, Thanjavur District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the order of the third respondent made in Na.Ka.No.331/A3/2022, dated 29.12.2022 and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan
For Respondents : Mr.J.Ashok
Additional Government Pleader



W.P.(MD)No.463 of 2023

ORDER

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This Writ Petition has been filed challenging the order of the third respondent dated 29.12.2022 and to quash the same.

2. The case of the petitioner is that she was appointed as Secondary Grade Teacher in the fourth respondent School on 22.08.1997 and thereafter, she was granted selection grade and special grade pay for completion of ten years and twenty years. However, without issuing any notice to the petitioner, the present recovery order has been passed. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the present recovery order has been passed on the ground that without undergoing child psychology training, the petitioner has obtained the selection grade and special grade pay. He would further submit that without issuing any notice and call for explanation from the petitioner and not taking any disciplinary action against the officer, who granted selection grade and special grade, passing this recovery order is not sustainable one. Hence, he prayed for allowing this writ petition.



W.P.(MD)No.463 of 2023

WEB COPY

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 seeks time to get instructions from the authorities with regard to the disciplinary action against the educational officer for awarding selection grade and special grade to the petitioner. However, he would submit that without qualifying herself child psychology training the petitioner had obtained selection grade and special grade pay and hence, he prayed for dismissal of the writ petition.

5. Heard Mr.R.Suriyanarayanan, learned counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, who takes notice for respondents.

6. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the year 1997. Though the petitioner claimed that she acquired child psychology training in the year 2003 after six years from the date of appointment and subsequently she was granted selection grade and special grade, however, the respondents claimed that without undergoing child psychology training she has obtained selection grade and special grade pay, which is not sustainable one. As rightly pointed out by the learned counsel for the petitioner that without raising any objection, the



W.P.(MD)No.463 of 2023

educational authorities granted selection grade and special grade pay and without taking disciplinary action against the authorities and without providing opportunity to the petitioner, the present impugned order has been passed, which is not sustainable one. Hence, the impugned order is liable to be set aside. Accordingly, the order of the third respondent, dated 29.12.2022 is set aside. However, liberty is granted to the educational authorities to hear the petitioner and pass appropriate orders.

7. This Writ Petition is allowed with the above terms. No costs. Consequently, the connected Miscellaneous Petition is closed.

09.01.2023

Index : Yes/No
Internet : Yes/No

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To

- 1.The Chief Educational Officer,
Thanjavur.
- 2.The District Educational Officer,
Thanjavur District, Thanjavur.
- 3.The Block Educational Officer,
Kumbakonam, Thanjavur District.



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W.P.(MD)No.463 of 2023

M.DHANDAPANI, J.

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Order made in
W.P.(MD) No.463 of 2023

09.01.2023