



W.P.(MD)No.715 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.715 of 2023
and
W.M.P.(MD) No.718 of 2023

R.Ramesh

... Petitioner

Vs.

- 1.The Chief Educational Officer,
Thanjavur.
- 2.The District Elementary Educational Officer,
Thanjavur District, Thanjavur.
- 3.The Block Elementary Education Officer,
Kumbakonam, Thanjavur District.
- 4.The Headmaster,
Bharathamath Aided Primary School,
Anoor, Athiyur Post,
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 with the order of the third respondent made in Na.Ka.No.331/A3/2022, dated 28.12.2022 and quash the same as it is arbitrary and illegal.



W.P.(MD)No.715 of 2023

For Petitioner : Mr.R.Suriyanarayanan
For R1 to R3 : Mr.S.Saji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the order of the third respondent dated 28.12.2022 and to quash the same.

2. The case of the petitioner is that he was appointed as Secondary Grade Teacher in the fourth respondent School on 12.03.1998 and thereafter, he was granted selection grade and special grade pay for completion of ten years and twenty years. However, without providing any hearing opportunity 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, without giving any hearing opportunity to the petitioner which is in violation of principles of natural justice. Hence, he prayed for allowing this writ petition.



W.P.(MD)No.715 of 2023

WEB COPY

4. Heard Mr.R.Suriyanarayanan, learned counsel for the petitioner and Mr.S.Saji Bino, learned Special Government Pleader, who takes notice for respondents.

5. The facts in the present case are not in dispute. Admittedly, the petitioner entered into service in the year 1998. Vide G.O.Ms.No.155, School Education Department, dated 03.10.2002, the State Government has decided to absorb the Secondary Grade Teachers who were appointed in the aided School with a condition that they have to undergo child psychological training and on completion of the same, they will be regularised with effect from the 1st date of appointment. The petitioner has completed child psychological training on 31.05.2003 and his service was regularised. While so, on 01.09.2022, the third respondent has issued a show cause notice for recovery of a sum of Rs.3,08,524/- (Rupees Three Lakhs Eight Thousand Five Hundred and Twenty Four only) and he has given his explanation on 08.09.2022. Thereafter, on 28.12.2022, the third respondent has issued the impugned recovery order, without providing any hearing opportunity to the petitioner, which is not sustainable one. Hence, the impugned order is liable to be set aside. Accordingly, the order of the third respondent, dated 28.12.2022 is set aside.



W.P.(MD)No.715 of 2023

WEB COPY

6. This Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petition is closed.

19.01.2023

Index : Yes/No
Internet : Yes/No
ssb

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W.P.(MD)No.715 of 2023

M.DHANDAPANI, J.

ssb

**Order made in
W.P.(MD) No.715 of 2023**

19.01.2023