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W.P.No.3204 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.3204 of 2019
and
W.M.P.No.3461 of 2019

L.G.Murugan

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
for issuance of a Writ of Certiorari, to call for the records on the file of the
second respondent in relation to the impugned order
Ref.Na.Ka.No.45648/A3/E1/2018 dated 22.01.2019 passed by the second
respondent and to quash the same as being violative of the principles of



W.P.No.3204 of 2019

natural justice and against the statutory provisions.

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For Petitioner : Mrs.Dakshyani Reddy

For Respondents : Mr.K.H.Ravikumar
Government Advocate

ORDER

The petitioner herein who was appointed as a Junior Assistant on compassionate grounds on 21.06.1999, was regularized in the said cadre through G.O.Ms.No.143, School Education (R1) Department dated 13.09.2006. The petitioner's services were regularized with effect from the date of his appointment i.e., 21.06.1999 and thereafter the probation of the petitioner was also declared through G.O.Ms.No.268, School Education (R2) Department dated 23.08.2007 with effect from 21.06.2001. Thereafter, the case of the petitioner was considered for promotion to the post of Assistant on par with his juniors and finally, the petitioner was promoted to the post of Superintendent through proceedings dated 16.12.2013 with effect from 30.09.2013 by duly including the name of the petitioner in the panel dated 15.03.2013. Accordingly, the petitioner is appointed in the post of Superintendent on 31.12.2013 and his pay is also



W.P.No.3204 of 2019

fixed in the said post through proceedings dated 13.03.2014.

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2. While the petitioner was continuing in the post of Superintendent since 31.12.2013 and various emoluments have been fixed from time to time, the impugned proceeding dated 22.01.2019 came to be issued by the second respondent regularizing the date of appointment of the petitioner in the post of Superintendent as 11.03.2015 and also ordering for recovery of the emoluments that were paid to the petitioner in the post of Superintendent with effect from 31.12.2013 to 11.03.2015.

3. Aggrieved by the said proceeding, dated 22.01.2019, the petitioner approached this Court by filing the present writ petition.

4. Though various contentions are raised to attack the impugned proceeding, this Court is not inclined to go into the said aspects touching merits of the case in view of the fact that the learned counsel for the petitioner also raised the contention that the principles of natural justice are violated while issuing the impugned proceeding.



W.P.No.3204 of 2019

WEB COPY

5. This Court has carefully perused the impugned proceeding and on perusing the same, it is convinced that the impugned proceeding was issued behind the back of the petitioner and without putting the petitioner on notice, though the same adversely affecting the interests of the petitioner and also prejudicially affecting the pay of the petitioner as well.

6. Though a detailed counter affidavit is filed by the second respondent, there is no whisper as to whether the second respondent has followed any procedure or put the petitioner on notice before passing the impugned proceeding. In the absence of complying with the principles of natural justice, the impugned proceeding issued adversely affecting the interest of the petitioner, in the opinion of this Court, is liable to be declared as non-est in law.

7. In the light of the above, without going into the merits of the case, the impugned proceeding is set aside since the same has been issued in violation of principles of natural justice, leaving it open to the respondents



W.P.No.3204 of 2019

to pass orders afresh in accordance with law.

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8. Accordingly, this Writ Petition stands allowed. No costs.

Connected Writ Miscellaneous Petition is closed.

07.06.2024

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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To

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai – 600 006.



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W.P.No.3204 of 2019

MUMMINENI SUDHEER KUMAR, J.

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W.P.No.3204 of 2019
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07.06.2024
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W.P.No.3204 of 2019