



WEB COPY



W.P.No.15087 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.15087 of 2024
and W.M.P.No.16398 of 2024

M.Shanmugam

.. Petitioner

Versus

1. The Regional Accounts Officer,
(Audit), Department of School Education,
Chennai - 600 006.
2. The Director,
Directorate of School Education,
Chennai - 600 006.
3. The Chief Educational Officer,
Kallakurichi District,
Kallakurichi.
4. The Headmaster,
Government Higher Secondary School,
Asakalathur,
Kallakurichi District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records pertaining to the proceedings of the 4th respondent in Na.Ka.No.225/2023-24 dated 29.04.2024 and quash the same as illegal, incompetent and ultravires.



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For Petitioner : Mr.R.Jayaprakash

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader

ORDER

This Writ Petition is filed challenging the impugned order, dated 29.04.2024.

2. On a perusal of the impugned order, it can be seen that based on an Audit objection, the incentive increment granted to the petitioner is cancelled and the same is passed without affording any opportunity to the petitioner.

3. Even though the matter is taken up for admission, *Mrs.S.Mythreye Chandru*, learned Special Government Pleader takes notice for the respondents. In view of the nature of the order being passed, this Writ Petition is disposed of at the admission stage itself.



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4. The petitioner has also taken a categorical stand that the impugned order is passed in total violation of the principles of natural justice. The learned Counsel for the petitioner submits that it has been decided by this Court already that persons who had obtained degree by distance education are also eligible for Government appointments. Be that as it may, since the impugned order visits the petitioner with civil consequences and the same having been passed without affording an opportunity to the petitioner, the same can be set aside.

5. In view thereof, this Writ Petition is allowed on the following terms :-

(i) The impugned order bearing Na.Ka.No.225/2023-24, dated 29.04.2024 shall stand quashed;

(ii) However, the respondents shall be at liberty to carry out the exercise afresh by issuing a show-cause notice to the petitioner;

(iii) The petitioner will be entitled to raise all his objections before the respondents and the respondents shall consider the said objections objectively and thereafter, pass orders afresh;



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(iv) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.06.2024

Neutral Citation : no
grs

To

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(Audit), Department of School Education,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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