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W.P.(MD)No.1576 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2024

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THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.1576 of 2024

and

W.M.P.(MD)Nos.1571 & 1573 of 2024

M.Mariswari

: Petitioner

Vs.

1.The Secretary to Government,
Higher Education Department,
State of Tamil Nadu,
Secretariat,
Chennai.

2.The Registrar,
Madurai Kamaraj University,
Madurai – 625 021.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records pertaining to the order of re-fixation of Scale of Pay in Memo No.Estt.I/MKU/Refix/2023 dated 15.12.2023 passed by second respondent and quash the same as illegal and consequently, direct the second respondent to restore the petitioner's original scale of pay drawn as on October 2023.



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For Petitioner : Mr.C.M.Arumugam

For Respondent No.1 : Mr.M.Sarangan

Additional Government Pleader

For Respondent No.2 : Mr.T.Cibi Chakraborty

Standing Counsel

ORDER

Heard Mr.C.M.Arumugam, learned Counsel appearing for the petitioner, Mr.M.Sarangan, learned Additional Government pleader who accepts notice for the first respondent and Mr.T.Cibi Chakraborty, learned Standing Counsel for the second respondent.

2.By consent, the main Writ Petition itself is taken up for final disposal at the admission stage itself.

3.This Writ Petition is filed seeking to quash the order of re-fixation of Scale of Pay in Memo No.Estt.I/MKU/Refix/2023 dated 15.12.2023 passed by second respondent and for a consequential direction to the second respondent to restore the petitioner's original scale of pay drawn as on October 2023.

4.The learned Counsel for the petitioner brought to the notice of this Court that the impugned order dated 15.12.2023 refixing the scale of pay of the non-teaching staff of the respondent University came to be passed without putting the petitioner on



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notice. Such an exercise would amount to violation of principles of natural justice.

5.The learned Counsel for the second respondent fairly conceded that the matter may be remanded back to the second respondent for considering the matter afresh.

6.In view of the same, the impugned order is hereby set aside and the second respondent University is directed to put the petitioner on notice and provide opportunity of being heard and thereafter, pass appropriate orders in accordance with law. Further, the State Government is directed to fix the the original pay scale of the petitioner as drawn on October 2023.

7.The Writ Petition is allowed with the above direction. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

24.01.2024

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR

Note: Issue a copy of this order by 29.01.2024.



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To

1.The Secretary to Government,
Higher Education Department,
State of Tamil Nadu,
Secretariat,
Chennai.

2.The Registrar,
Madurai Kamaraj University,
Madurai – 625 021.



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L.VICTORIA GOWRI, J.

MR

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24.01.2024