



WP(MD) No.9067 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9067 of 2024

and

W.M.P(MD)No.8266 of 2024

Parameswari

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.

2.The Chief Educational Officer
Tirunelveli District,
Tirunelveli.

3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.



WP(MD) No.9067 of 2024

4. The Correspondent

Walker Higher Secondary School,
Donavur,
Tirunelveli District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 3rd respondent in Oo.Mu.No.85/Aa3/2024 dated 16.02.2024 and quash the same as illegal and consequently direct the 2nd and 3rd respondent to confer all other service benefits such as yearly increments, incentives, earn leave etc.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for a Writ of Certiorarified Mandamus calling for the records relating to



WP(MD) No.9067 of 2024

WEB COPY

the impugned order passed by the 3rd respondent in Oo.Mu.No.85/Aa3/2024 dated 16.02.2024 and quash the same as illegal and consequently, direct the 2nd and 3rd respondents to confer all other service benefits, such as, yearly increments, incentives, earn leave etc.

2. Heard Mr.S.Chellapandian, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4. The learned counsel for the petitioner submitted that despite the respondents has passed the earlier order dated 29.05.2018, the grant for the petitioner's salary has been released by the Government. However, in the impugned order, the grant in



WP(MD) No.9067 of 2024

WEB COPY

respect of the annual increment and other monetary benefits of the petitioner was not released. The reasons stated in the impugned order is that the petitioner's appointment itself has not been accepted and hence, the release is withheld. However, the communication was between the Government and the fourth respondent. However, in the impugned order also, there is no reason stated as to why there is a doubt as to the correctness of the appointment of the petitioner.

5. Even though in the earlier order, dated 29.05.2018, it is stated that the release will be stopped, as the appointment itself is found to be wrong, no order has been passed as to the irregularity of the appointment. Without passing any order as to the correctness of the appointment, the order has been passed withholding the increment and benefit accrued to the petitioner.

6. Since the petitioner's interest is also affected, it is



WP(MD) No.9067 of 2024

appropriate to set aside the order and direct the respondents 1 to 3 to issue notice to both the petitioner and the fourth respondent before passing any orders as to withholding the grant either in respect of release of salary or in respect of releasing the increment or any other monetary benefits. However, the fourth respondent has to take steps by resubmitting his proposal for approval, if it has been returned for any of the reasons assigned therein.

7. Hence, this Writ Petition is allowed and the impugned order in Oo.Mu.No.85/Aa3/2024, dated 16.02.2024 passed by the third respondent is set aside. The third respondent is directed to issue notice to both the petitioner and the fourth respondent before passing any orders as to withholding the grant either in respect of release of salary or in respect of releasing the increment or any other monetary benefits. However, the fourth respondent has to take steps by resubmitting his proposal for approval, if it has been returned for any of the reasons assigned



WP(MD) No.9067 of 2024

therein. No costs. Consequently, connected miscellaneous petition is closed.

15.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



WP(MD) No.9067 of 2024

WEB COPY To

- 1.The Director of School Education,
DPI Compound,
College Road,
Chennai.
- 2.The Chief Educational Officer
Tirunelveli District,
Tirunelveli.
- 3.The District Educational Officer,
Tirunelveli,
Tirunelveli District.
- 4.The Correspondent
Walker Higher Secondary School,
Donavur,
Tirunelveli District.



WEB COPY



WP(MD) No.9067 of 2024

R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.9067 of 2024

Dated:
15.04.2024