



WP(MD)No.10324 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.10324 of 2021
and
WMP(MD)Nos.7992, 10067 of 2021

R.Muthalmani

.. Petitioner

v.

1.The Principal Secretary to the Government,
School Education Department,
Fort St.George,
Chennai – 9.

2.The Director of Elementary Education,
DPI Compound,
College Road,
Chennai – 6.

3.The Chief Educational Officer,
O/o.Chief Educational Office,
Pudukottai District.

4.The District Educational Officer,
O/o.District Educational Office,
Aranthangi,
Pudukottai District.



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5. The Block Educational Officer,
Thiruvarankulam Block,
Pudukottai District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order in Na.Ka.No.1629/A1/2020 dated 20.01.2021 on the file of the fifth respondent, quash the same and consequently, forbearing the respondents from recovering the incentive increment granted to the petitioner.

For Petitioner : Mr.Karthick

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is a Secondary Grade Teacher. She was provided with an incentive increment for having obtained higher education. By the order impugned in this writ petition, it was directed to be recovered that this petitioner is not entitled for the increment. However, this order appears to have been passed without issuing any notice. Hence, this writ petition.



2.Learned Counsel for the petitioner submitted that the order of recovery has been passed without issuing any notice to the petitioner.

3.Therefore, this Court has directed the learned Government Pleader to ascertain as to whether notice has been issued to this petitioner before passing the impugned order. Learned Additional Government Pleader, on instructions, submitted that no notice was issued to this petitioner before passing the impugned order.

4.Therefore, on this ground alone, this Court is inclined to allow this writ petition. Accordingly, this writ petition is allowed and the impugned order of recovery is set aside, as it has been made without issuing any notice to the petitioner. The respondents are at liberty to issue a fresh notice to the petitioner within a period of four weeks from the date of receipt of a copy of this order, provide her with an opportunity of hearing and thereafter, take a decision within a further period of three months from the date of issuance of such notice.



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There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No

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NCC : Yes / No

gk

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B.PUGALENDHI, J.

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