



W.P.(MD)No.2316 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.2316 of 2021

and

W.M.P.(MD)Nos.1930, 11641 & 12856 of 2021

N.Vijaya

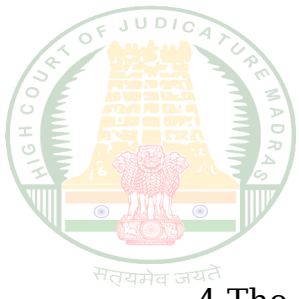
: Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The District Educational Officer,
Thanjavur Education District,
Thanjavur.



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4.The Block Educational Officer,
Thanjavur Block,
Thanjavur, Thanjavur District.

5.The Block Educational Officer,
Thiruvaiyaru Education District,
Thiruvaiyaru,
Thanjavur District.

6.The Secretary,
Aided Primary School,
Kandamangalam,
Thiruvaiyaur Taluk,
Thanjavur District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order issued by the sixth respondent in No. / 2020 dated 20.10.2020 and to quash the same and consequently direct the respondents to continue to pay salary to the petitioner in the post of Primary School Headmaster with sanctioning of annual increment and other service benefits with all consequential and other attendant benefits, including the payment of salary for the period from 08.02.2016 to 11.04.2017 along with revision of pay from the year 2016, including the payment of interest



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for the delay in payment, within a time frame to be fixed by this

WEB COPY Court.

For Petitioner : Mr.Sailendra Babu
For Respondents 1 to 5 : Mr.S.Shaji Bino,
Special Government Pleader
For Respondent No.6 : Mr.S.Vellaichamy

ORDER

This Writ Petition has been filed challenging the impugned order passed by the sixth respondent dated 20.10.2020, refixing the petitioner's pay in the post of Secondary Grade Teacher from 01.06.2011.

2.The petitioner's contention is that the impugned order is arbitrary, illegal as she was promoted to the post of Primary School Head Master with fixation of pay with Rs.4,500/- G.P. and her promotion was duly approved by the department and she continues to draw the salary in the post of Primary School Head Master. Therefore, the impugned order passed by the sixth respondent has to be quashed. The petitioner has also challenged the impugned order on the ground of violation of principles of natural justice, since the sixth respondent has passed the impugned order without granting an opportunity of hearing to the petitioner.

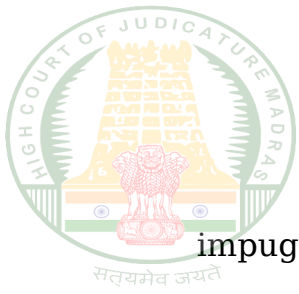


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3.The respondents 1 to 5 have filed separate counters and similarly the sixth respondent has filed a separate counter. The respondents have reiterated the contents of the impugned order and would submit that only in accordance with law, the impugned order has been passed by the sixth respondent. The petitioner is having the benefit of interim stay of the operation of the impugned order since 10.02.2021. Admittedly, the said interim order was granted since this Court on a *prima facie* consideration found that there is violation of principles of natural justice.

4.Admittedly, no notice was granted to the petitioner prior to the passing of the impugned order by the sixth respondent. The sixth respondent has revised the pay of the petitioner which according to the petitioner is erroneous and not in accordance with law. The petitioner claims that since she was promoted to the post of Primary School Head Master with fixation of pay and her promotion was duly approved by the department and she continue to draw salary in the post of Primary School Head Master, the impugned order passed by the sixth respondent is arbitrary and illegal. Necessarily, the petitioner ought to have been granted an opportunity of hearing by the sixth respondent before passing the



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impugned order revising the petitioner's pay. Since the sixth respondent has violated the principles of natural justice, this Court is of the considered view that the impugned order passed by the sixth respondent has to be quashed and the matter remanded back to the sixth respondent for fresh consideration on merits and in accordance with law within a time frame to be fixed by this Court.

5. Accordingly, the impugned order dated 20.10.2020, passed by the sixth respondent is hereby quashed and this Writ Petition is disposed of, by directing the sixth respondent to pass final orders on the petitioner's representation within a period of twelve [12] weeks from the date of receipt of a copy of the order, after adhering to the principles of natural justice by providing an opportunity to the petitioner to submit a fresh explanation with regard to the contentions raised by the petitioner in this Writ Petition. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

15.09.2025

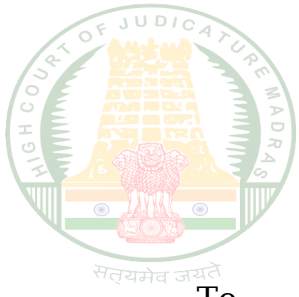
Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR

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ABDUL QUDDHOSE., J.

MR

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