



WP(MD) No.5048 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD) No.5048 of 2025

R.Rebecca Selvi

... 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.
4. The Correspondent
Schafter Higher Secondary School,
Tirunelveli Town,
Tirunelveli District.

... Respondents

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.352/Aa3/2024 dated 24.01.2025 and quash the same as illegal and consequently direct the 2nd and 3rd respondents to confer all other service benefits such as yearly



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increments, incentives, earn leave, arrears of salary from the date of appointment (ie 24.07.2017).

For Petitioner : Mr.S.Chellapandian

For R1 to R3 : 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 the impugned order passed by the 3rd respondent in Oo.Mu.No.352/Aa3/2024 dated 24.01.2025 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, arrears of salary from the date of appointment (ie 24.07.2017).

2. Heard Mr.S.Chellapandian, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate for the respondents 1 to 3.



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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 in view of the order passed by the first respondent on 21.11.2017, the grant for the petitioner's salary has been released by the Government. However, in the impugned order, the grant in 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 annexed and as per the proceedings dated 22.11.2017, since the petitioner was appointed without passing TET examination, subsidy has only been released 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.



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5. Even though in the impugned order, dated 24.10.2025, it is stated that the release will not be granted, 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 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.



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7. Accordingly, this Writ Petition is allowed and the impugned order in Oo.Mu.No.352/Aa3/2024 dated 24.01.2025 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 therein.

There shall be no order as to costs.

24.02.2025

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



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BATTU DEVANAND, J.

CM

Order made in
W.P.(MD)No.5048 of 2025

Dated:
24.02.2025