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W.P.(MD) No.13113 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.13113 of 2022

and

W.M.P.(MD) No.9315 of 2022

R.Amutha

... Petitioner

-vs-

1.The District Educational Officer
Nagercoil, Kanyakumari District

2.The Block Educational Officer
Nagercoil, Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order in Na.Ka.No.397/Aa2/2021 dated 25.05.2022 on the file of the respondent No.1 and the consequential communication order in Na.Ka.No. 1121/Ee/2019 dated 26.05.2022 on the file of the respondent No.2 and quash the same as illegal and consequently direct the respondents to continue the



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petitioner's scale of pay as fixed by the respondent No.1 vide the proceedings in O.Mu.No.397/Aa2/2021 dated .12.2021 signed on 10.01.2022 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned communication dated 25.05.2022, sent by the first respondent directing the second respondent to resubmit the proposal after a careful consideration of the petitioner's application seeking for rectification of her pay anomaly and if there is any valid reason for such request and the impugned communication dated 26.05.2022, sent by the second respondent intimating the petitioner that the pay rectification order dated 10.01.2022 passed in her favour, has been cancelled.

2. Earlier, since a junior of the petitioner was getting higher pay than that of the petitioner, on the request made by the petitioner, the anomaly



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in the pay was rectified by the respondents under the order dated 10.01.2022. However, the respondents claim that the pay anomaly rectification order passed on 10.01.2022 was improper and therefore, the first respondent initiated proceedings to cancel the said pay rectification order dated 10.01.2022 through the impugned communication dated 25.05.2022, directing the second respondent to resubmit the proposal after a careful consideration of the petitioner's application seeking for rectification of her pay anomaly and if there is any valid reason for such request. However, on 26.05.2022, the impugned communication has been issued by the second respondent intimating the petitioner that the pay rectification order dated 10.01.2022 has been cancelled. Aggrieved by the same, this writ petition has been filed.

3. The petitioner has challenged in the impugned communications of the respondents, on the ground of violation of principles of natural justice and they are non-speaking communications with regard to the earlier pay rectification order dated 10.01.2022, passed in her favour.



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4. A counter affidavit has been filed by the respondents reiterating the contents of the impugned communications. However, with regard to the contention of the petitioner that in the impugned communication dated 25.05.2022, issued by the first respondent, it has been observed that notice will be sent to the petitioner prior to passing of the final order of cancellation of the pay rectification order dated 10.01.2022 passed in favour of the petitioner. However, in the impugned communication dated 26.05.2022, issued by the second respondent, it has not been stated as to whether the petitioner was heard, as observed in the impugned communication dated 25.05.2022, issued by the first respondent, before cancelling the pay rectification order dated 10.01.2022 passed in her favour. Further, the counter affidavit filed before this Court also does not disclose as to whether the petitioner was heard prior to passing of the impugned communication dated 26.05.2022 intimating the petitioner that the pay rectification order dated 10.01.2022, passed in her favour, has been cancelled.

5. Since the pay rectification order dated 10.01.2022, passed in favour of the petitioner, has been cancelled, necessarily the petitioner ought to have been given an opportunity to submit her explanation as to why the pay



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rectification order passed in her favour on 10.01.2022 cannot be cancelled. Having not granted any opportunity to the petitioner to submit her explanation, this Court is of the considered view that the impugned communications dated 25.05.2022 and 26.05.2022, issued by the respondents 1 and 2 respectively, are in violation of the principles of natural justice and further it is noted from the impugned communications that the contentions of the petitioner, as raised in this writ petition, have not been considered.

6. For the foregoing reasons, this Court is of the considered view that the impugned communications dated 25.05.2022 and 26.05.2022, issued by the respondents 1 and 2 respectively, have to be quashed and the matter has to be remanded back to the first respondent for fresh consideration on merits and in accordance with law, within a time frame to be fixed by this Court, after granting an opportunity to the petitioner to submit her explanation with regard to her contention that the pay rectification order dated 10.01.2022, passed in her favour cannot be cancelled.



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7. Accordingly, the impugned communications dated 25.05.2022 and 26.05.2022, issued by the respondents 1 and 2 respectively, are hereby quashed and the matter is remanded back to the first respondent for fresh consideration on merits and in accordance with law, after granting an opportunity to the petitioner to submit her explanation with regard to her contention that the pay rectification order dated 10.01.2022, passed in her favour cannot be cancelled. The first respondent shall pass final orders within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

12.09.2025

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

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To:

- 1.The District Educational Officer,
Nagercoil, Kanyakumari District.
- 2.The Block Educational Officer,
Nagercoil, Kanyakumari District.



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ABDUL QUDDHOSE, J.

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