



WEB COPY

WP No. 10177 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-03-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 10177 of 2026
and WMP No.11007 of 2026**

B.Mary Thanga Leela
W/o.S.Chellanadan,
No.5, Gandhi Street,
S.S.Nagar Extension,
Thirumullaivoyal,
Chennai- 600 062.

..Petitioner(s)

Vs

1. The Joint Director (Admin)
State Council for Educational Research and
Training, (SCER and T)
Chennai-600 006.
2. The Accounts Officer
State Council for Educational Research and
Training, (SCER and T)
Chennai-600 006.
3. The Principal Accountant General (A and E)
Office of Principal Accountant General
Teynampet,
Chennai-600 018.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus calling for the records 1st Respondent in Na.Ka. No.37326 /Aa3/ 2024 dated 24.05.2023 received on 10.05.2024 and the consequential order of the 2nd respondent in 37326/Aa3/ 2024 dated 27.05.2024 and of the 1st Respondent in Moo. Moo. No.778603/ A1/ 2024 dated 24.01.2025 reiterated the order of recovery quash the same



accordingly direct respondents to retain the sanction of Selection grade to the petitioner in the post of Assistant and accordingly direct the Respondents to repay the amount of Rs.4,58,233 /-with interest at 9 percent per annum.

For Petitioner(s): Ms.S.Suneetha

For Respondent(s): Mrs.Mythreye Chandru, SGP for R1 and R2

Mr.A.N.R.Jaya Prathap, Standing Counsel for R3

ORDER

The writ petition has been filed for the following relief:

“calling for the records 1st Respondent in Na.Ka. No.37326 /Aa3/ 2024 dated 24.05.2023 received on 10.05.2024 and the consequential order of the 2nd respondent in 37326/Aa3/ 2024 dated 27.05.2024 and of the 1st Respondent in Moo. Moo. No.778603/ A1/ 2024 dated 24.01.2025 reiterated the order of recovery quash the same accordingly direct respondents to retain the sanction of Selection grade to the petitioner in the post of Assistant and accordingly direct the Respondents to repay the amount of Rs.4,58,233 /-with interest at 9 percent per annum.”

2. It is the case of the petitioner that the petitioner was appointed as Typist on 02.07.1990 and subsequently granted Selection Grade in the said post. Later, she got promoted to the post of Assistant on 29.09.2009 and granted Selection Grade in the said post on 01.10.2010 and the pay was also revised accordingly. While so, the first and second respondents passed the impugned orders, as a result of which, the selection grade granted to the petitioner was cancelled and alleged excess amount paid to the petitioner was recovered from



DCRG of the petitioner. Aggrieved petitioner is before this Court.

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3. Heard the rival submissions made and perused the materials available on record.

4. From the records, it is seen that the petitioner had been granted Selection Grade on 01.10.2000 in the post of Typist. Thereafter, on 01.10.2010 she was granted Selection Grade in the post of Assistant. The said benefit is said to be taken away by the impugned orders passed by the respondents. However, no show cause notice has been issued to the petitioner nor has the audit objection been placed for her scrutiny before the impugned orders had been passed. Therefore, it is a clear violation of principles of natural justice.

5. Mrs. Mythreye Chandru, Special Government Pleader appearing for the first and second respondents would submit that the petitioner was granted Selection Grade as Assistant within a year of being promoted to the said post and this was the audit objection that was raised against the petitioner.

6. Be that as it may, before depriving the petitioner's benefits, she ought to have been put to notice and an explanation should be called for from her. Without following any of the procedures, the impugned order was passed by the respondents and therefore, the same cannot be sustained. Therefore, the



impugned order is set aside and the matter is remitted back to the respondents for a fresh consideration. It is informed to this Court that the petitioner is now retired from service. Therefore, the respondents shall issue a show cause notice to the petitioner without prejudice to the defence of the petitioner and consider it afresh. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

With the above directions, the writ petition is allowed. Consequently, connected miscellaneous petition is ordered. No costs.

23-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
ssa



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P.T.ASHA, J.

ssa

To

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State Council for Educational
Research and Training, (SCER and T)
Chennai-600 006.

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