



WP(MD). No.9364 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/03/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9364 of 2023
and WMP(MD)No.8389 of 2023

Saraswathi K.

... Petitioner

Vs

1. The Regional Account Officer,
(Audit), School Education Department,
Madurai.

2. The Chief Educational Officer,
Karur District, Karur.

3. The Head Master,
Government High School, E.Sukkampatty,
Kadavur Taluk,
Karur District..

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, call for the records pertaining to the impugned order passed by the 3rd respondent Na.Ka.No. 80/2022-23 dated 10.02.2023 and quash the same and consequently direct the respondent to give the incentive increment.



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For Petitioner : Mr.J.Sivaram,

For Respondents : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of Certiorarified Mandamus to quash the proceeding in Na.Ka.No. 80/2022-23 dated 10.02.2024 issued by the third respondent, requiring the petitioner to repay all the amounts that were received by the petitioner towards incentive increment awarded in his favour through the proceedings dated 17.05.2020, on the premise that M.Phil., degree obtained by the petitioner is not eligible for grant of such incentive increment.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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3. From a perusal of the impugned proceeding dated 10.02.2023, it is apparent that the said proceeding has been issued without affording any opportunity to the petitioner, except recording a finding that M.Phil., degree obtained by the petitioner is not eligible for grant of incentive increment. Such a finding ought not to have been rendered by the third respondent without affording any opportunity to the petitioner and the action of the third respondent straight away requiring the petitioner to repay the amounts without affording an opportunity is bound to be declared as illegal and arbitrary for want of compliance of principles of natural universities.

4. Though a counter affidavit has been filed by the third respondent, there is nothing to suggest that whether any opportunity was afforded to the petitioner before issuing the impugned proceedings.



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5. In the circumstances, this Court is of the considered view that the impugned proceedings cannot be sustained under law for want of compliance of principles of natural justice.

6. In the light of the above, the proceedings dated 10/2/2023 is hereby set aside solely on the ground of violation of principles of natural justice.

7. Accordingly, this writ petition is allowed. However, it is made clear that it could be open for the respondents to initiate the proceedings strictly in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

11.03.2026

Index : Yes/No
Internet : Yes/No
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MUMMINENI SUDHEER KUMAR. J.,

CM

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