



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE **C.V. KARTHIKEYAN**

AND

THE HON'BLE MR.JUSTICE **R.SAKTHIVEL**

W.A.(MD)No. 3224 of 2025

and

C.M.P.(MD)No.19886 of 2025

1. The State of Tamil Nadu,
Rep by its Secretary to Government School
Education Department,
Fort St.George, Chennai 600 009.
2. The Director of Elementary Education,
O/o The Director of Elementary Education,
College Road, Chennai-6.
3. The District Educational Officer (Primary),
O/o The District Educational Office,
Pattukottai Taluk, Thanjavur District.
4. The Block Educational Officer,
O/ o The Block Educational Officer,
Pattukottai Taluk, Thanajvur District.

..Appellants

Vs

G.Natarajan
B T Assistant (Retired),
Panchayat Union Middle School,
Manjavayal, Pattukottai Taluk,
Thanjavur 614 613.

..Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order, dated 29.08.2025 made in W.P.(MD)No.18698 of 2025 passed by this Court.



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For Appellants : Mr.S.I.Muthiah
Additional Government Pleader

For Respondent : Mr.H.Jasima Yasmin
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was delivered by C.V.Karthikeyan J.)

The present Writ Appeal is directed against the order passed by a learned Single Judge of this Court, dated 29.08.2025 in W.P.(MD)No.18698 of 2025.

2.The Writ Petitioner was initially appointed as Secondary Grade Assistant and was granted increment for qualifying in B.Ed., and in M.Com. It was considered that M.Com., was not a subject directly related to the subject, which the Writ Petitioner was taking. However, on that ground, the incentive increment granted for both B.Ed., and M.Com, was sought to be recovered. That order was put to challenge before the learned Single Judge. The learned Single Judge vide order, dated 29.08.2025 had disposed of the batch of Writ Petitions by observing that the amounts which have been paid by way of incentive increment which are not on account of any wrong committed by the petitioner, the same cannot be recovered. Aggrieved by the same, the present Writ Appeal is filed.



3. It had been stated that there cannot be any recovery because of the ruling in what is commonly called the White Washer case (*State of Punjab v. Rafiq Masih (White Washer)*), reported in (2015) 4 SCC 334. The subsequent judgments have upheld grant of incentive increment for qualifying in B.Ed.

4. With respect to qualifying in M.Com., the learned Additional Government Pleader points out the reasoning in paragraph No.28 of the order impugned, wherein, it had been stated that there cannot be any additional incentive increment granted for qualifying in an irrelevant subject. According to the Additional Government Pleader, there has been no appeal preferred by the Writ Petitioner against that particular portion.

5. But, the learned Counsel for the Writ Petitioner contents that for recovery either of the incentive granted for B.Ed., or incentive granted for M.Com., is governed by the principles enunciated in *Rafiq Masih (White Washer)* case (*referred supra*) which prevents recovery after a period of five years. The relevant portion of the said decision is extracted hereunder:-

“18. It is not possible to postulate all situations of hardship which would govern employees on the issue of recovery, where payments have mistakenly been made by the employer, in excess of their entitlement. Be that as it may, based on the decisions referred to hereinabove, we may, as a ready reference, summarise the following few situations, wherein recoveries by the employers, would be impermissible in law:



(i) Recovery from the employees belonging to Class III and Class IV service (or Group C and Group D service).

(ii) Recovery from the retired employees, or the employees who are due to retire within one year, of the order of recovery.

(iii) Recovery from the employees, when the excess payment has been made for a period in excess of five years, before the order of recovery is issued.

(iv) Recovery in cases where an employee has wrongfully been required to discharge duties of a higher post, and has been paid accordingly, even though he should have rightfully been required to work against an inferior post.

(v) In any other case, where the court arrives at the conclusion, that recovery if made from the employee, would iniquitous or harsh or arbitrary to such an extent, as would far outweigh the equitable balance of the employer's right to recover.”

6.It is, therefore, contended that the incentive increment granted for qualifying in M.Com., also cannot be therefore recovered.

7.In view of that particular reasoning, we are of the opinion that there cannot be any recovery of the incentive increment granted. The fact is that the incentive increment for qualifying in M.Com., had already been paid. Paragraph No.28 of the impugned order only prohibits payment of incentive increment, if to be paid for qualification acquired in an irrelevant subject. That would not



arise in the present case, since it had already been paid and it is only the issue of recovery.

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8. Accordingly, impugned order does not warrant interference and accordingly, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(C.V.K.,J.) (R.S.V.,J.)
13-08-2026

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

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**C.V.KARTHIKEYAN, J.
AND
R.SAKTHIVEL, J.**

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