



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Monday, the Twenty Second day of March Two Thousand and Twenty One

PRESENT

The Hon`ble Mr.Justice M.S.RAMESH

W.M.P(MD) Nos.4965, 4968 and 4972 of 2021
in W.P(MD) Nos.6367, 6374 and 6369 of 2021

DHANAPAL ... PETITIONER/ PETITIONER
IN WMP(MD)NO.4965/ 2021
IN W.P(MD) No.6367/ 2021

ARULARASI ... PETITIONER/ PETITIONER
IN WMP(MD)NO.4968/ 2021
IN W.P(MD) No.6369/ 2021

NAVAMANI ... PETITIONER/ PETITIONER
IN WMP(MD)NO.4972/ 2021
IN W.P(MD) No.6374/ 2021

- VS. -

1. THE CHIEF EDUCATIONAL OFFICER,
OFFICE OF THE CHIEF EDUCATIONAL OFFICE, THANJAVUR.

2. THE DISTRICT EDUCATIONAL OFFICER, THANJAVUR.

3. THE BLOCK EDUCATIONAL OFFICER UNIT NO.II,
PAPANASAM, THANJAVUR DISTRICT.

4. THE SECRETARY
KASIMIYA DAWOOD MIDDLE SCHOOL,
RAJAGIRI, THANJAVUR DISTRICT.

... RESPONDENTS/ RESPONDENTS
IN WMP(MD)NOS.4965 & 4968/ 2021
IN W.P(MD) No.6367 & 6369/ 2021

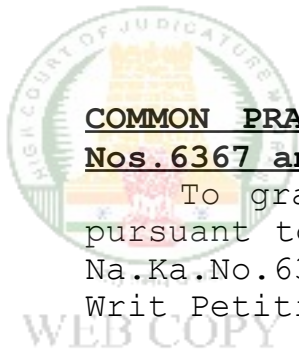
1. THE CHIEF EDUCATIONAL OFFICER,
OFFICE OF THE CHIEF EDUCATIONAL OFFICE, THANJAVUR.

2. THE DISTRICT EDUCATIONAL OFFICER, THANJAVUR.

3. THE BLOCK EDUCATIONAL OFFICER UNIT NO.I,
PAPANASAM, THANJAVUR DISTRICT.

4. THE CORRESPONDENT,
ST.SEBASTIAN MIDDLE SCHOOL,
PAPANASAM, THANJAVUR DISTRICT.

... RESPONDENTS/ RESPONDENTS
IN WMP(MD)NO.4972/ 2021
IN W.P(MD) No.6374/ 2021



COMMON PRAYER IN W.M.P(MD) Nos.4965 and 4968 of 2021 in W.P(MD) Nos.6367 and 6369 of 2021:

To grant an order of Interim Stay of all further proceedings pursuant to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2019 pending disposal of the above Writ Petition.

Prayer in WMP(MD). 4972/ 2021 IN W.P(MD) Nos.6374 of 2021:

To grant an order of Interim Stay of all further proceedings pursuant to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2020 pending disposal of the above Writ Petition.

COMMON PRAYER IN W.P(MD) Nos.6367 and 6369 of 2021:

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2019 and quash the same as illegal and unconstitutional.

Prayer in WP(MD). 6374/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the impugned proceedings issued by the 3rd respondent in Na.Ka.No.639/A2/2019 dated 30.12.2020 and quash the same as illegal and unconstitutional.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.B.JAMEEL ARASU, Advocate for the petitioner in all the petitions and of Mr.N.SHANMUGASELVAM, Additional Government Pleader on behalf of the Respondents in all the petitions, While admitting the Writ Petitions, the court made the following order:-

Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 3.

2.The Hon'ble Supreme Court in the case of ***State of Punjab and others Vs. Rafiq Masih (White Washer) and others*** reported in ***(2015) 4 Supreme Court Cases 334***, had held that the recovery of excess payment insofar as Class-III and Class-IV employee, is impermissible in law. It is stated by the learned counsel for the petitioners that the petitioners are class-IV - Group D Teachers and hence, the action on the part of the respondents in recovering the excess payment, is illegal.

3.These aspects require further deliberations. However, since the petitioner has made out a *prima facie* case, there shall be an order of interim stay.



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4.Post the matter on 14.06.2021.

sd/-
22/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE CHIEF EDUCATIONAL OFFICER,
OFFICE OF THE CHIEF EDUCATIONAL OFFICE, THANJAVUR.
2. THE DISTRICT EDUCATIONAL OFFICER, THANJAVUR.
3. THE BLOCK EDUCATIONAL OFFICER UNIT NO.II,
PAPANASAM, THANJAVUR DISTRICT.
4. THE BLOCK EDUCATIONAL OFFICER UNIT NO.I,
PAPANASAM, THANJAVUR DISTRICT.

ORDER IN
W.M.P (MD) Nos.4965,4968 and 4972 of 2021
in
W.P (MD) Nos.6367, 6374 and 6369 of 2021
Date :22/03/2021

cp
MS/VR/31.03.2021/3P.5C