



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.(MD) No.91 of 2022

and

C.M.P(MD) No.973 of 2022

1. The Secretary to the Government,  
School Education Department,  
Government of Tamil Nadu,  
Fort St. George, Chennai.

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

3. The Headmaster,  
Panchayat Union Middle School,  
Chithayagoundenpatti,  
Andipatti Union,  
Theni District.

.. Appellants

vs

R.Vasudevan

... Respondent/  
Writ Petitioner

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 03.09.2021, made in W.P.(MD) No.9549 of 2014.

Prayer in WP(MD). 9549/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus calling for the records relating to the impugned letter of the 1st respondent in Lr.No.129 school Education (Pa Ka5(2)2013-1 dated 17.7.2013 and the consequent impugned order of 3rd respondent in Na.Ka.No.4797/A3/2013 dated 16.7.2013 and quash the same as illegal and consequently direct the respondents herein to fix the pay and increment of the petitioner for acquiring M.Phil., qualification from the date of her joining as B.T. Assistant as on 30.4.2007.

For Appellants

: Mr.S.P.Maharajan  
Special Government Pleader



**J U D G E M E N T**

(Delivered by PARESH UPADHYAY, J.)

Challenge in this appeal is made to the order dated 03.09.2021 recorded on W.P.(MD) No. 9549 of 2014. This appeal is by the respondents State Authorities.

2. Learned Special Government Pleader for the appellants State Authorities has submitted that the writ petitioner was not entitled to certain benefits which were granted to him and therefore instructions were given to the Authorities for recovery of that amount which was challenged in the writ petition, which learned Single Judge ought not to have interfered with. It is submitted that this appeal be entertained.

3. Having heard learned advocate for the appellants and having considered the material on record this Court finds that, it is not even the case of the appellants State Authorities that something was asked for by the petitioner which was denied and therefore the Mandamus is issued. The case is that, certain benefits were already granted to the petitioner which according to the State was erroneously granted and therefore the same was ordered to be recovered. We find that, no recovery could have been ordered by the State Authorities and the interference by learned Single Judge in such facts, can not be said to be any error, much less any error apparent on the face of record. This appeal therefore need not be entertained.

4. This appeal is dismissed. No costs. Consequently connected CMP would not survive.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.SPL GP ( SR-5994[F] dated 14/02/2022 )

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11.02.2022

sr (CO)

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