



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.12435 of 2019

and

W.M.P. (MD) No.9281 of 2019

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N.Sivakumar

... Petitioner

vs.

1.The District Educational Officer
Kulithalai, Karur District

2.The Block Educational Officer
Kadavoor Union, Karur District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorari calling for the records relating to the impugned order of the second respondent in Na.Ka.No.650/A2/2019, dated 30.04.2019 and quash the same.

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mr.G.V.Vairam Santhosh

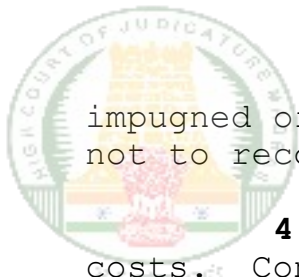
Additional Government Pleader

O R D E R

The learned counsel appearing for the petitioner fairly made a submission that the issues raised in this writ petition have been settled and no more *res integra* in view of the decision of the Honourable Division Bench of this Court in the case of **T.Godwin Vedanayagam Rajkumar vs. The Head Master, Government Boys Higher Secondary School, Madurai and others**, reported in **CDJ 2021 MHC 173**, wherein it has been held that simultaneous degrees are not valid. Therefore, the petitioner is not entitled for the relief as such sought for in this writ petition.

2. However, the fact remains that the petitioner was working in Clause-III Post and the increment was granted by accepting the simultaneous degree. Though the simultaneous degree was invalidated by this Court, the amount already paid to the petitioner need not be recovered as he is holding the post falling under Clause-III.

3. In view of the fact that the recovery at this length of time would cause hardship to the petitioner and considering the fact that he is working in Clause-III post, the recovery portion of the impugned order alone is quashed and in respect of eligibility, the



impugned order stands confirmed. Thus, the respondents are directed not to recover the excess amount paid to the petitioner.

4. Accordingly, the writ petition is allowed in part. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:

1.The District Educational Officer,
Kulithalai, Karur District.

2.The Block Educational Officer,
Kadavoor Union, Karur District.

+1 CC to M/s.T.PON RAMKUMAR, Advocate (SR-5232[F]
dated 10/02/2022)

+1 CC to M/s.SPL GP (SR-5326[F] dated 10/02/2022)

W.P. (MD) No.12435 of 2019

and

W.M.P. (MD) No.9281 of 2019

09.02.2022

SVN(CO)

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