



W.P.(MD)No.16492 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.16492 of 2018

and

W.M.P.(MD)No.14614 of 2018

V.Anandhakumar

: Petitioner

Vs.

1.The Chief Educational Officer,
Virudhunagar District.

2.The Head Master,
ERRSM Government Higher Secondary School,
Alangulam,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in his proceedings in No.Nil dated 12.06.2018 and quash the same.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan

Government Advocate



W.P.(MD)No.16492 of 2018

ORDER

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The petitioner has challenged the impugned recovery order dated 12.06.2018 issued by the second respondent. The second respondent has contended that the incentive increments paid to the petitioner has been paid to him by mistake. Hence, they seek recovery of the said amount.

2.The payments made to the petitioner towards incentive increments pertain to the year 2011. It is now well settled law that any recovery made for a period which is beyond five years is impermissible under law as per the decision rendered by the Hon'ble Supreme Court in ***State of Punjab and others Vs. Rafiq Masih (White Washer)*** reported in ***(2015) 4 SCC 334***.

3.Learned Counsel for the petitioner relied upon G.O.(Ms)No.177, School Education dated 13.10.2016 and would submit that as per the said Government Order, Teachers who are already getting one incentive increment would be entitled to second incentive increment from the date of issuance of G.O.(Ms)No.177, School Education dated 13.10.2016.



W.P.(MD)No.16492 of 2018

WEB COPY

4.In the case on hand also incentive increments were paid to the petitioner during the year 2011 for acquiring higher educational qualification. In view of the well settled law and G.O. (Ms)No.177, School Education dated 13.10.2016, the impugned order passed by the second respondent dated 12.06.2018 has to be quashed and the writ petition will have to be allowed.

5.Accordingly, the impugned order dated 12.06.2018 passed by the second respondent is hereby quashed and the Writ Petition is allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

27.09.2024

Index :Yes / No
Internet : Yes / No
NCC : Yes/No
MR



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W.P.(MD)No.16492 of 2018

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W.P.(MD)No.16492 of 2018

ABDUL QUDDHOSE, J.

MR

W.P.(MD)No.16492 of 2018

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