



W.P.(MD)No.18068 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.08.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.18068 of 2017

and

W.M.P.(MD)Nos.14522 and 17099 of 2017

D.Freeda Annapoornam

... Petitioner

/Vs./

1.The Chief Educational Officer,
Sivagangai District @ Sivagangai.

2.The Regional Accountant Officer (Audit),
School Education Department,
Madurai – 02.

3.The Registrar,
Vinayaka Missions University,
Sankari Main Road (ND-47),
Ariyanoor,
Salem District – 636 308.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari call for the records in connection with the impugned order passed by the 1st respondent in his proceedings in Na.Ka.No.3110/Aa2/2017 dated 03.08.2017 and quash the same.



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For Petitioner : Mr.N.Sathish Babu
For Respondent : Mr.T.Amjad Khan (R1 & R2)
Government Advocate
Mr.S.Anwar Sameem (R3)

ORDER

The petitioner has challenged the impugned recovery order dated 03.08.2017 passed by the first respondent.

2. Only due to the fact that the petitioner had completed her M.Phil degree course from Vinayaka Missions University, which according to the respondents, is not a recognized university, the first respondent has passed the impugned proceedings dated 03.08.2017 seeking recovery of the second incentive increment paid to the petitioner.

3. However, in view of the decision rendered by the Division Bench of this Court in a batch of writ appeals in W.A.No.2328 of 2018 batch, dated 04.08.2023, it is now well settled that Vinayaka Missions University is also a recognized university. In view of the same, the



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recovery order passed against the petitioner, which is impugned in this writ petition has to be necessarily quashed and this writ petition will have to be allowed.

4. Accordingly, the impugned order passed by the first respondent in his proceedings dated 03.08.2017 is hereby quashed and this writ petition is allowed. The petitioner is granted liberty to give a representation to the respondents, incase the respondents have already recovered the amount from the petitioner, pursuant to passing of the impugned order, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the first and second respondents are directed to pass final orders, on merits and in accordance with law and if the petitioner is found to be eligible to seek for refund, the same may be refunded within a period of twelve weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2024

Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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TO:

- 1.The Chief Educational Officer,
Sivagangai District @ Sivagangai.
- 2.The Regional Accountant Officer (Audit),
School Education Department,
Madurai – 02.

Order made in
W.P.(MD)No.18068 of 2017

Dated:
29.08.2024