



W.P.(MD)No.22834 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.22834 of 2017

and

W.M.P.(MD).No.19138 of 2017

N.Raja

... Petitioner

Vs.

1.The Joint Director of School Education (Hr.Sec)

Directorate of School Education,
College Road,
Chennai - 6.

2.The Chief Educational Officer,

Thoothukudi District,
Thoothukudi-3.

3.The District Educational Officer,

Thoothukudi District,
Thoothukudi-3.

4.The Secretary,

Karapettai Nadir Boys Higher Secondary School,
Thoothukudi -1.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for
issuance of Writ of Certiorarified Mandamus, to call for the records pertaining



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to the impugned Order in Na.Ka.No.7642/B4/16, dated 23.05.2016, on the file of the respondent No.2 and the consequential impugned order in Na.Ka.No./2016-17 dated 20.06.2016 on the file of the respondent No.4 and quash the same as illegal and consequently direct the respondent No.3 to reimburse the recovered Retirement Gratuity to the petitioner.

For Petitioner : Mr.G.Karthik,
for Mr.J.Pandi Dorai

For R-1 to R-3 : Mr.T.Amjad Khan,
Government Advocate

For R-4 : Mr.K.Ragatheesh Kumar,
for M/s. Isaac Chambers

ORDER

This Writ Petition has been filed challenging the recovery order dated 23.05.2016, passed by the second respondent and the consequential impugned order dated 20.06.2016, passed by the fourth respondent, rejecting the petitioner's request for reimbursement of the recovered retirement gratuity amount.

2. According to the petitioner, even though he is senior to Mr.Sornaraj, who is a Post-Graduate Teacher in the fourth respondent School along with the



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petitioner, the respondents have held that the petitioner is junior to Mr.Sornaraj and they have recovered payments made to the petitioner on account of mistake committed by them earlier by treating the petitioner as senior to that of Mr.Sornaraj. Due to the said mistake, the respondents have also rectified the same subsequently and they have recovered the excess payments made to the petitioner based on the acceptance of the petitioner through his letter of undertaking. However, as an after thought, the petitioner has challenged the recovery order by claiming that Mr.Sornaraj, Post-Graduate Teacher ought not to have been considered as senior to that of the petitioner. The petitioner made a request for reimbursement of the recovered retirement gratuity on account of the respondents treating the petitioner as junior to that of Mr.Sornaraj, which has been rejected under the impugned order dated 23.05.2016, passed by the second respondent and the consequential impugned order dated 20.06.2016, passed by the fourth respondent. Aggrieved by the impugned orders, this Writ Petition has been filed.

3. The fact that the petitioner subsequent to the passing of the recovery order dated 20.06.2016 against him by the fourth respondent seeking recovery of excess amounts paid to the petitioner by mistake had accepted the said recovery through his letter dated 14.12.2016 and the fact that there was a



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mistake committed by them earlier treating the petitioner as senior to Mr.Sornaraj, Post-Graduate Teacher, who is also working in the very same School, are not disputed by the petitioner in this Writ Petition. The said letter was an unconditional letter. The said fact is also not disputed by the petitioner in this Writ Petition.

4. This Court in a similar matter, wherein also, the petitioner therein, who had unconditionally accepted the recovery order, filed a Writ Petition challenging the said recovery, held that such a challenge is not maintainable, once the petitioner had unconditionally accepted the recovery order and the recovery was also made pursuant to the same.

5. Admittedly, the petitioner had unconditionally accepted the recovery order dated 20.06.2016, passed by the fourth respondent and pursuant to the same, the amount has also been recovered from the petitioner, the question of the petitioner once again re-agitating the issue does not arise. In view of the same, since this Writ Petition is also filed under very same circumstances, the question of entertaining this Writ Petition does not arise.



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6. In the result, there is no merit in this Writ Petition and the same stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

03.10.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

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Directorate of School Education,
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2.The Chief Educational Officer,
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Thoothukudi-3.

3.The District Educational Officer,
Thoothukudi District,
Thoothukudi-3.

4.The Secretary,
Karapettai Nadir Boys Higher Secondary School,
Thoothukudi -1.

ABDUL QUDDHOSE, J.



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