



WEB COPY

W.A.No.1163 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1163 of 2025
and
C.M.P.No.8980 of 2025**

1.The State of Tamil Nadu,
Rep. by Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Director of School Education,
College Road,
Chennai - 600 006.

3.The Joint Director of School Education,
College Road,
Chennai - 600 006.

...

Appellants

versus

P.S.Muthu,
S/o.Paramasivan (Late),
Plot No.77, Krishna Nagar,
Mandapam Links Nagar,
Ullagaram, Chennai - 600 091.

...

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the order passed in W.P.No.14397 of 2024 dated 01.08.2024.

For Appellants : Mr.R.Neethi Perumal
Additional Government Pleader



For Respondent : Mr.S.N.Ravichandran

JUDGMENT

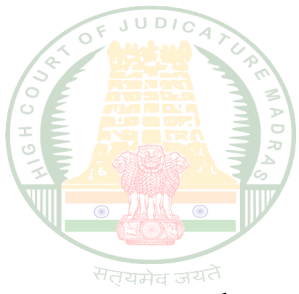
(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

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Challenge is to the order of the writ court quashing the orders of recovery dated 03.04.2024 and 30.04.2024.

2. The orders of recovery came to be passed on the ground that the seniority of the respondent has been wrongly fixed and he has been paid a sum of Rs.2,50,043/- in excess of what he is entitled to as a result of the wrong fixation of his seniority. The writ court had found that the Government Order based on which the recovery was directed, namely G.O.(2D) No.38 School Education (R2) Department dated 23.07.2009, was set aside by the Madurai Bench of this Court.

3. The writ court also relied upon the judgment of the Hon'ble Supreme Court in *State of Punjab Vs. Rafiq Masih (White Washer)* reported in *(2015) 4 SCC 334*, wherein the Hon'ble Supreme Court has held that the orders of recovery cannot be recalled, when the excess payment has been made for a period in excess of five years, before the order recovery is issued.



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4. In view of the same, we do not see any reason to interfere with the order of the learned single Judge. The Writ Appeal therefore fails and it is accordingly **dismissed**. If any amount has been recovered pursuant to the recovery proceedings, the said amount alone is directed to be refunded to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.S.M., J.) (G.A.M., J.)
15.04.2025

Speaking order

Index : No
Neutral Citation : No

sri

To

1. The Principal Secretary,
Government of Tamil Nadu,
School Education Department,
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