



W.A.(MD)No.429 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.06.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD)No.429 of 2020

and

C.M.P.(MD)No.2961 of 2020

1.The Chief Educational Officer,
Thanjavur, Thanjavur District.

2.The District Elementary Educational Officer,
Elementary Education, Thanjavur.

3.The Block Educational Officer,
Ammappettai, Thanjavur District.

... Appellants

-Vs-

1.G.Saraswathi

2.The Secretary,
Government Aided Primary School,
Devarayanpettai Ammapettai Block,
Thanjavur District.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 07.01.2020 made in W.P.(MD)No.19283 of 2019 on the file of this Court.

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For Appellants : Mr.J.Ashok,
Additional Government Pleader
For R1 : Mr.S.Ramakrishnan
For R2 : No Appearance

JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

The State preferred this Writ Appeal, challenging the order of the Writ Court dated 07.01.2020 made in W.P.(MD)No.19283 of 2019.

2.The 1st respondent was initially appointed as Secondary Grade Teacher with B.T. Qualification. However, she did not possess the child psychology training, which is an essential qualification for the said post. A policy decision was taken to regularize the services of these Secondary Grade Teachers on completion of their child psychology training course. In the present case, the 1st respondent admittedly completed the child psychology training in the year 2003 and her services were regularized. However, after lapse of several years, the impugned order of recovery has been issued, stating that the salary paid to the 1st respondent from the year 1996 to 2019 is to be recovered, since the 1st respondent did not possess the requisite qualification during the relevant point of time.



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3.It is needless to state that erroneous pay fixation can be corrected by the competent authority at any point of time. In the present case, rectification of mistake was done by the authorities / appellants only in the year 2018, after lapse of about 15 years from the date of grant of regularization of service in favour of the 1st respondent. Therefore, the recovery of excess salary after several years would undoubtedly cause hardship to the 1st respondent. However, the appellants are bound to fix salary in accordance with the pay rules and the Government Orders in force and as applicable to the 1st respondent based on her service records.

4.No employee is entitled to get more salary over and above his / her entitlement. Any such erroneous salary paid to the public servant will result in unjust gain and financial loss to the State exchequer. Thus, the authorities in the establishment are bound to verify the correctness of the pay fixation and pay salary in accordance with the pay rules and Government Orders applicable to a particular employee.

5.Since there is enormous delay and the 1st respondent has not made any misrepresentation, the excess salary paid to the 1st respondent cannot be

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recovered. However, the mistake in the pay fixation can be corrected by the authorities competent and the admissible salary alone is to be paid to the 1st respondent.

6.In view of the facts and circumstances of the case, the recovery of excess salary paid to the 1st respondent alone is set aside and the correction of mistake in the pay fixation is upheld. To that extent, the order of the Writ Court dated 07.01.2020 made in W.P.(MD)No.19283 of 2019 stands modified and this Writ Appeal stands allowed in part. The recovery, if any made pursuant to the order of the Writ Court, is directed to be returned to the 1st respondent, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [A.D.M.C., J.]
19.06.2025

NCC : Yes / No
Index : Yes / No

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