



W.A(MD) No.1806 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 08.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.1806 of 2025
and
C.M.P.(MD)No.10229 of 2025**

- 1.The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
Office of the Director of School Education,
Chennai-6.
- 3.The Chief Educational Officer,
Pudukkottai District,
Pudukkottai.
- 4.The Zonal Accounts Officer (Audits),
School Educational Department,
Madurai-2.
- 5.The Headmaster,
Government Higher Secondary School,
Vayalogam,
Pudukkottai District.

... Appellants / Respondents



W.A(MD) No.1806 of 2025

Vs.

R.Senthilmurugan

... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 17.08.2023 in W.P.(MD)No.23245 of 2017 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard the learned Special Government Pleader for the appellant.

2. The State questions the order dated 17.08.2023 passed by the learned single Judge allowing W.P.(MD)No.23245 of 2017 filed by the respondent herein. The writ petitioner was granted second incentive increment for having acquired M.Phil with effect from 02.04.2007. Actually, he should have been given the benefit only with effect from 18.01.2013. Therefore, recovery was sought to be made.



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3. The learned single Judge citing the *White Washer case (State of Punjab and others Vs. Rafiq Masih reported in (2015) 4 SCC 334)* held that recovery cannot be affected. Paragraph No.5 of the order of the learned single Judge reads as follows:-

“5. One of the guidelines, as relevant to the present case, is that no recovery to be initiated beyond the period of five years from the allegedly offending event. In the present case, the incentive has been awarded as early as in 2007, whereas the impugned order has been passed only in 2017, based on a clarification issued in 2013. Thus, the order is far beyond the time limit as prescribed and thus fails. ”

4. We are of the view that the White Washer principle has been correctly applied. Interference is not warranted. The Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
08.07.2025

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