



W.P.(MD).No.12071 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.12.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.12071 of 2019

and

W.M.P(MD) Nos. 9077 and 9078 of 2019

V.Anna Deysi

...Petitioner

Vs

1.The Chief Educational Officer,
Tirunelveli District.

2. The District Educational Officer,
Valliyoar,
Tirunelveli District.

3. The Block Educational Officer,
Valliyoar, Tirunelveli District.

4. The Correspondent,
St.Anne's Elementary School,
Valliyoar Union,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.715/A2/2019 dated 04.04.2019 and the consequential order of the



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3rd respondent in his proceedings in Na.Ka.No.461/A2/19, dated 15.04.2019 and quash the same.

For Petitioner : Mr.V.Panneer Selvam
For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader
For R4 : Fr.S.Savarimuthu
for M/s.Father Xavier Associates

ORDER

The present writ petition has been filed by a Secondary Grade Teacher challenging the orders passed by the second respondent and the consequential order of the third respondent wherein, an order of recovery has been passed.

2. A perusal of the records reveal that the petitioner herein was appointed as a Secondary Grade Teacher in a Minority Institution run by a Corporate Management on 03.10.2000. The petitioner was granted approval on 28.01.2003 with effect from 03.10.2000. The petitioner has been conferred with Selection Grade on 03.10.2010. After a period of 19 years, the present impugned order has been issued on 04.04.2019 on the ground that on the date of appointment there were surplus teachers within the corporate management and therefore, the salary paid to the writ petitioner between 03.10.2000 and



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18.06.2004 (the date on which surplus got erased) should be recovered from the writ petitioner. This order is put to challenge in the present Writ Petition.

3. According to the learned counsel appearing for the writ petitioner, the present impugned order having been issued after a period of 19 years, it would cause great prejudice to the petitioner. He further pointed out that the appointment was approved in the year 2000. Without cancelling or recalling the order of approval, the date of approval cannot be altered, that too, without hearing the writ petitioner.

4. Per contra, the learned Additional Government Pleader appearing for the official respondents submitted that the petitioner was appointed in the year 2000 when there were already surplus teachers in the corporate management. The surplus got erased only on 18.06.2004 and they have initiated departmental action as against the Officers who have granted approval from the date of initial appointment. He further submitted that as per the Government Order issued in G.O.Ms.No.102, School Education (A2) Department dated 10.08.2007, a direction has been issued for initiating departmental action as against the petitioner for illegal approval and an order



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of recovery was passed. Hence, he prayed for sustaining the order impugned in the writ petition.

5. I have carefully considered the submissions made on either side and perused the materials available on record.

6. The petitioner was appointed in the year 2000 and approval was granted in the year 2003, from the initial date of appointment. However, the impugned order came to be passed after a period of 19 years. The order of recovery has been passed after a period of 19 years which is clearly illegal, and the order of approval which was granted on 28.01.2003 has not been recalled or cancelled. That apart, there is no mis-representation on the part of the writ petitioner. The salary has been released for the work extracted from the writ petitioner. In such circumstances, the order of recovery is not legally sustainable.



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7. In view of the above said facts, the order impugned in the writ petition is set aside and this Writ Petition stands allowed. There shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

15.12.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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