



WEB COPY

W.P. No.9064 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2026

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.9064 of 2023

and

W.M.P. Nos.9188 and 9189 of 2023

S.Saravanan
Graduate Headmaster,
Panchayat Union Middle School,
Oraiyr, Cuddalore District.

..Petitioner(s)

Vs

1. The Director of Elementary School
Office of the Director of Elementary School,
DPI Complex, College Road, Chennai-06.
2. The District Elementary Education Officer,
Office of the DEEO, Cuddalore District.
3. The Block Educational Officer,
Office of the Block Educational Officer,
Annagramam, Cuddalore District.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari calling for the records of the respondent No.3 in his proceedings Na.Ka.No. 116/ A/ 2022 dated 13.03.2023 and quash the same.

For Petitioner(s): Mr.S.Senthilnathan

For Respondent(s): Mr.V.Jeevagiridharan
Additional Government Pleader



ORDER

The present writ petition is filed challenging the proceedings dated 13.03.2023 on the premise that it seeks to recover incentives which has been granted erroneously to the petitioner, five years after the excess payment was made.

2. Learned counsel for petitioner would submit that the recovery proceedings is contrary to the law laid down by the decision of Supreme Court in *State of Punjab and others vs. Rafiq Masih (White Washer)* reported in *(2015) 4 SCC 334* wherein while enumerating certain categories with regard to which recovery proceedings cannot be initiated, he would submit that excess payment cannot be recovered after a period of five years.

3. There cannot be any quarrel over the above proposition, however, Mr.V.Jeevagiridharan, learned Additional Government Pleader for respondents would submit that this is only a proceeding calling for explanation. He would further state that the petitioner may submit their explanation to the impugned proceedings and the same would be considered and appropriate orders would be passed in accordance with law, within a time period to be fixed by this Court.

4. In that view of the matter, the writ petition is disposed of. It is open to the petitioner to submit their objection to the impugned communication dated



13.03.2023. It is also open to the petitioner to place reliance upon *White Washer's* case. The above objections shall be considered by the respondents keeping in view the law laid down by the Supreme Court in *White Washer's* case and after affording the petitioner an opportunity of hearing to the petitioner. The above exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order. In the meanwhile, the recovery proceedings shall be kept in abeyance until final orders are passed. No costs. Consequently, the connected miscellaneous petitions are closed.

02-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA

To:

1. The Director of Elementary School
Office of the Director of Elementary School ,
DPI Complex, College Road, Chennai-06.
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MOHAMMED SHAFFIQ J.

MKA

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