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W.P.No.25271 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.25271 of 2024
and W.M.P.Nos.27604 and 27606 of 2024**

M.Margaret Vimali

... Petitioner

Vs.

- 1.The Secretary to the Government,
School Education Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Director of Teacher Education,
Research and Training,
Kamarajar Salai,
Chennai-600 006.
- 4.The Chief Educational Officer,
Krishnagiri,
Krishnagiri District.
- 5.The District Educational Officer (Primary),
Krishnagiri,
Krishnagiri District.



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6.The Block Educational Officer,
Krishnagiri,
Krishnagiri District.

7.The Manager of R.C.School,
Dharmapuri Diocese,
Dharmapuri,
Dharmapuri District.

8.The Correspondent,
R.C.Fathima Primary School,
Krishnagiri,
Krishnagiri District.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned orders passed by the sixth respondent in Na.Ka.No.664/A3/2021 dated 21.06.2024 and another order passed by the sixth respondent in Na.Ka.No.664/A3/2021 dated 05.08.2024 and subsequent show cause notice issued by the eighth respondent in Na.Ka.No.31/202 dated 08.08.2024 and quash the same and permit the petitioner to continue in service peacefully.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mrs.Mythreye Chandru
Special Government Pleader
for R1 to R6
Mr.Father Savier Arul Raj
Senior Counsel for
Mr.S.M.Edward Stanley
for R7 and R8



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ORDER

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The petitioner is aggrieved against the impugned order of recovery dated 21.06.2024 and the order dated 05.08.2024 passed by the sixth respondent and the subsequent show cause notice dated 08.08.2024 issued by the eighth respondent.

2. The brief facts of the case are that the petitioner was appointed as Teacher and was regularized on 02.08.2001. While she had been working in the eighth respondent School, she was asked to submit her original certificates on 16.08.2004, however, the same was not returned. By communication dated 22.02.2012, the petitioner was informed that Evaluation Certificate submitted by her was fake and direction was issued to take criminal proceedings against her and recovery of salary for the entire period for which she had worked. Challenging the same, the petitioner has filed a writ petition in W.P.No.5343 of 2012 on the ground that before issuance of recovery order, the petitioner was not issued with any show cause notice. The said writ petition was dismissed by this Court and thereafter, the petitioner filed W.A.No.650 of 2012 which was allowed by



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the Hon'ble Division Bench of this Court quashing the suspension order and subsequent recovery orders passed by the respondents 3, 5 and 8 herein.

Even after the order of the Division Bench of this Court, the respondents did not disburse the petitioner's salary and therefore, the petitioner preferred a contempt petition in Cont.P.No.748 of 2013. After the contempt petition, the District Elementary Educational Officer passed the proceedings dated 27.03.2014 reinstating the petitioner and regularizing her suspension period retrospectively. The grievance of the petitioner is that even after the order was passed by the Hon'ble Division Bench of this Court, arrears of increment was not disbursed to her.

3. While that being so, the sixth respondent issued the proceedings dated 21.06.2024 ordering recovery of salary once again and another proceedings dated 05.08.2024 citing review application and audit objection and again issued a recovery order, based on which, the eighth respondent has issued show cause notice to the petitioner, vide proceedings dated 08.08.2024, in respect of the recovery order issued by the sixth respondent. Challenging the same, the petitioner has filed this writ petition.



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4. The learned counsel appearing for the petitioner submits that the orders passed by the respondent Nos.6 and 8 are in violation of the order passed by the Hon'ble Division Bench of this Court in W.A.No.650 of 2012 which has attained finality. The Authority has not taken into consideration the observations of the Hon'ble Division Bench of this Court and no opportunity was given to the petitioner before issuing the recovery proceedings and that the respondents ought to have verified the genuineness of the Certificates well prior in time. They cannot turn around after obtaining the service of the teacher for more than two decades and pass the impugned orders of recovery. The learned counsel further submitted that the sixth respondent has not complied with the order of the Hon'ble Division Bench of this Court and only after the petitioner filed the contempt petition, the respondents came forward to pay the salary and arrears. However, till now, increment and the special grade were not disbursed to her. The learned counsel appearing for the petitioner further submitted that the sixth respondent has no jurisdiction to pass the impugned orders as the appointment of teacher and fixation of pay allowance are to be approved by the District Educational Officer and the sixth respondent, namely, Block



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Educational Officer, has no jurisdiction to pass the impugned orders of recovery. Hence, challenging the impugned orders both on the ground of jurisdiction and legality of the order on the basis of finality attained before the Hon'ble Division Bench of this Court, the learned counsel appearing for the petitioner seeks interference of this Court.

5. The learned Senior Counsel appearing for the eighth respondent submits that on the basis of the orders passed by the sixth respondent, the eighth respondent has passed the interim suspension order which was challenged by the petitioner before the Hon'ble Division Bench of this Court and the Hon'ble Division Bench of this Court quashed the orders passed by the respondents 3, 4 and 8 and no liberty was granted to the respondents 3 and 4 to pass orders against the eighth respondent and the petitioner. However, the present impugned orders have been passed against the eighth respondent to recover the amount from the petitioner.

6. The learned Special Government Pleader appearing for the respondents 1 to 6 submits that as against the order passed by the Hon'ble



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Division Bench of this Court, a review application is pending. Without any basic qualification, the petitioner secured the post in the 8th respondent School and the same is not sustainable one. Further, there is no legal impediment to the respondents to pass the impugned orders.

7. Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for the respondents 1 to 6 and the learned Senior Counsel appearing for the respondent Nos.7 and 8.

8. It is to be pointed out that the order has been passed by the Hon'ble Division Bench of this Court in W.A.No.650 of 2012 allowing the relief sought for by the petitioner herein by quashing the impugned order passed by the respondents 3, 4 and 8 herein and the orders passed by the respondent Nos.3, 4 and 8 would stand merged with the order passed by the Hon'ble Division Bench of this Court and in the absence of any liberty being granted to the said respondents to revisit the said recovery, the respondent Nos.3, 4 and 8 are estopped from initiating the recovery proceedings for the very same issue which has since attained finality before



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the Hon'ble Division Bench of this Court as the matter has not been taken in appeal before the Superior Forum. Though it is the case of the respondents that the review application has been filed which is stated to be pending, it is to be pointed out that the writ appeal is of the year 2012 and more than a decade has passed since the order has been passed in the writ appeal and any review filed by the respondents would only be termed to be an act prolonging the litigation to detriment of the petitioner. However, no liberty has been granted by the Hon'ble Division Bench of this Court in W.A.No.650 of 2012 to initiate recovery proceedings and the respondents have slept over the matter for more than a decade. Initiating the impugned recovery proceedings once again after a lapse of more than a decade that too in the absence of any liberty is highly improper and disproportionate and unreasonable and therefore, the said impugned recovery orders cannot stand in the test of judicial scrutiny. Accordingly, the impugned orders of recovery passed by the sixth respondent and the show cause notice issued by the eighth respondent to the petitioner seeking recovery of a sum of Rs.74,75,000/- cannot be sustained, more so, when the order of the Hon'ble Division Bench of this Court attained finality way back in the year 2012 and



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recovery action has been taken in the year 2024 after a lapse of 12 years, when the petitioner has been allowed to continue her service and she has been put in more than 24 years of service as Teacher and therefore, the impugned recovery orders dated 21.06.2024 and 05.08.2024 passed by the sixth respondent and the subsequent show cause notice dated 08.08.2024 issued by the eighth respondent deserve to be set aside and the same are set aside. The respondents are directed to disburse the entire salary of the petitioner along with arrears and other increments to which the petitioner is entitled to as on date within a period of 12 weeks from the date of receipt of a copy of this order.

9. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb



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