



W.A(MD)No.605 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)No.605 of 2023
and
C.M.P(MD)No.5639 of 2023**

- 1.The State of Tamil Nadu,
Rep. by its Secretary to the Government,
School Education Department,
Fort St. George, Chennai-600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai-600 006.
- 3.The District Education Officer,
Thanjavur District,
Thanjavur.
- 4.The Block Education Officer,
Peravurani, Pattukottai Taluk,
Thanjavur District.

... Appellants/Respondents

VS.



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S.Amutha

... Respondent/Writ Petitioner

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent against the order dated 23.09.2022 made in W.P(MD)No.4437 of 2022.

For Appellants : Mr.M.S.Parthiban
Counsel for State

For Respondent : Mr.V.R.Shanmuganathan

JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order of the learned Single Judge partly allowing the writ petition, respondents in the writ petition have filed the present writ appeal.

2. The impugned order in the writ petition was passed based on an audit report for recovery of an amount. Challenging the same, the respondent filed the writ petition seeking to quash the recovery.



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3. As far as recovery is concerned, the law is well settled. Recovery cannot be effected after a period of five years. The Hon'ble Supreme Court of India, in *State of Punjab and Others vs. Rafiq Masih (White Washer)* reported in **(2015) 4 SCC 334**, has categorically held that recovery from retired employees, or employees who are due to retire within one year from the date of the recovery order, is legally impermissible. However, when a pay anomaly has been rectified and pay has been properly fixed, the same cannot be questioned by the appellants. Therefore, the order of the learned Single Judge quashing the recovery is confirmed.

4. In view of the above, the writ appeal stands dismissed. There shall be no order as to costs. Consequently connected miscellaneous petition is closed.

[N.S.K.,J.] [M.J.R.,J.]
08.06.2026

NCC : Yes / No
Index : Yes / No
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