



W.A.(MD) No.1588 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2026

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

and

THE HONOURABLE MR.JUSTICE N.DILIP KUMAR

W.A.(MD)No.1588 of 2021

and

C.M.P.(MD)No.6739 of 2021

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
O/o The Chief Educational Officer,
Virudhunagar District.

3.The District Educational Officer,
O/o. The District Educational Officer,
Collectorate Complex,
Virudhunagar District.

... Appellants

-VS-

1.P.Jeyakodi



W.A.(MD) No.1588 of 2021

WEB COPY

2.The Secretary,

Mallankinaru Nadargal MSP Senthilkumara Nadar

Higher Secondary School,

Mallankinaru,

Virudhunagar District.

... Respondents

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Act, praying to set aside the order made in W.P.(MD)No.19551 of 2020 dated 23.12.2020 and allow this Writ Appeal.

For Appellants : Mr.M.Mahaboob Athiff
Special Government Pleader

For Respondent No.1 : Mr.D.Shanmugaraja Sethupathi

JUDGMENT

[Judgment of the Court was made by M.DHANDAPANI, J.]

Challenging the order of the learned Single Judge made in W.P. (MD)No.19551 of 2020 dated 23.12.2020, the present Writ Appeal has been filed.

2.Learned Special Government Pleader appearing for the appellants would submit that the respondent made a representation claiming



W.A.(MD) No.1588 of 2021

incentive increment on completion of higher education. However, the same was negatived by the appellant on the ground that before pursuing higher qualification, the writ petitioner / respondent did not obtain permission. By relying G.O.Ms.No.944, Education (D2) Department dated 29.07.1989, the impugned order was passed, however, the same was set aside by the learned Single Judge. Hence, the present Writ Appeal.

3.Learned Counsel for the respondent would submit that the very same Government Order was challenged before this Court in W.P.(MD)No. 11046 of 2015 and the same was set aside on 26.11.2020. Further, the Division Benches of this Court in W.A.(MD)No.1124 of 2023 dated 24.07.2023 and W.A.(MD)No.448 of 2021 dated 21.01.2026 also affirmed that no prior permission is required for obtaining higher qualification. Accordingly, he prays for appropriate orders.

4.Heard the learned Counsel for the parties.

5.The facts in the present case are not in dispute. Admittedly, the respondent acquired higher qualification and made a representation claiming incentive increment on completion of higher education. However, the same was negatived by the appellants on the ground that no prior



W.A.(MD) No.1588 of 2021

permission was sought for. The issue arising in the present Writ Appeal is no longer res integra. This Court, in a number of judgments has been consistent in holding that no prior permission is required for acquiring higher qualification as the same is only an irregularity and not an illegality.

6.In W.A.(MD)No.1124 of 2023 dated 24.07.2023, this Court has held as follows:

“3. ...In such circumstances, acquiring higher qualification while in service without the permission is only an irregularity and that will not entitle the respondents to reject the benefit to the teachers.”

7.Also, in W.A.(MD)No.448 of 2021 dated 21.01.2026, this Court has held as follows:

“2.This Court has been consistently holding that prior permission is not necessary. The Division Bench of this Court in the Joint Director of School Education Vs. S.Vasugi in W.A.(MD)No.1124 of 2023 dated 24.07.2023, after referring the earlier judgments in Tamil Rajan Vs. The State of Tamil Nadu Represented by its Secretary Department of School Education, Chennai – 9 in W.P.(MD)No.4019 of 2018 has held that no prior permission is required for obtaining higher qualification. The sole ground on which the request was



W.A.(MD) No.1588 of 2021

rejected does not survive. Therefore, we are unable to fault the writ court having allowed the writ petition. The Writ Appeal fails. Accordingly, the same is dismissed. The respondents will grant incentive increment with effect from the date on which the application was made and calculate the benefits and pay the arrears within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed."

8.In view of the above settled legal position, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.D.I., J.] & [N.D.K., J.]
20.08.2026

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
MR



WEB COPY



W.A.(MD) No.1588 of 2021

To

- 1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

- 2.The Chief Educational Officer,
O/o The Chief Educational Officer,
Virudhunagar District.

- 3.The District Educational Officer,
O/o. The District Educational Officer,
Collectorate Complex,
Virudhunagar District.



WEB COPY



W.A.(MD) No.1588 of 2021

M.DHANDAPANI, J.
AND
N.DILIP KUMAR, J.

MR

W.A.(MD)No.1588 of 2021

20.08.2026