



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)Nos.14085 and 11046 of 2015

and

M.P(MD)No.1 of 2015

and

W.M.P(MD)Nos.3875 & 4694 of 2016

W.P(MD)No.14085 of 2015

S.Kalista Mary

... Petitioner

Vs

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

2.The District Educational Officer,
Tuticorin, Tuticorin District.

3.The Correspondents,
St. Anne's High School,
Thattarmadam,
Tuticorin District-628 653.

4.The State of Tamil nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

(R4 is impleaded vide court order
dated 28.3.2016)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent herein vide G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 and consequential proceedings issued by the second respondent District Educational Officer in O.Mu.No.1924/A5/14 dated 08.05.2015 quash the same and further direct the second respondent herein to sanction two set of incentive increments to the petitioner for acquiring B.Ed., degree and M.A.Degree w.e.f. 17.07.2012.



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For Petitioner : Mr.A.Ajith Geethan
for C.S.Associates

For R1,R2 & R4 : Mrs.S.Srimathy
Special Government Pleader

For R3 : No appearance

W.P(MD)No.11046 of 2015

G.Maria Selvarani

... Petitioner

Vs

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

2.The District Educational Officer,
Tuticorin, Tuticorin District.

3.The Correspondents,
St. Xavier's High School,
T.Saveriarpuram,
Tuticorin District-628 002.

4.The State of Tamil nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

(R4 is impleaded vide court order
dated 28.3.2016)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent herein vide G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 and consequential proceedings issued by the second respondent District Educational Officer in O.Mu.No.1299/Aa4/15 dated 18.05.2015 quash the same and further direct the second respondent herein to sanction one set of incentive increments to the petitioner for acquiring B.Ed., degree w.e.f. 27.12.2011.

For Petitioner : Mr.A.Ajith Geethan
for C.S.Associates

For R1,R2 & R4 : Mrs.S.Srimathy
Special Government Pleader



For R3

: No appearance

COMMON ORDER

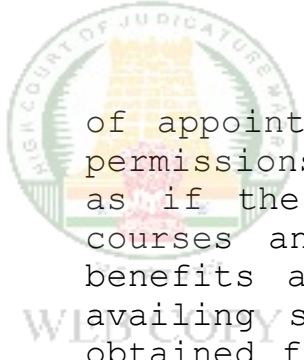
The grievances of the writ petitioners are that the proposals submitted for grant of incentive increment were returned. The petitioners were working as Secondary Grade Teacher in the third respondent's School. The petitioners acquired additional qualifications of M.A., B.Ed., degree and thereafter submitted the applications for grant of incentive increment as per the Government Order in force. A proposal submitted in this regard by the School itself was returned on the ground that the writ petitioners have studied the course without getting prior permission from the competent Educational Authorities.

2. A counter affidavit filed by the second respondent/District Educational Officer, Tuticorin categorically enumerates that the Government vide G.O.Ms.No.944 Education (D2) Department, dated 29.07.1989 issued specific orders to the effect that aided school employees shall have to take the permission of the Director of School Education, Madras, to join the correspondence course conducted by various universities; to do part-time course including Ph.D., conducted by various Universities; subject to the condition that acquiring such qualification is useful to the schools and without dislocation of work in schools and without any additional expenditure to the Government. In pursuance of the above said Government Orders, the Director of School Education in his proceedings L.Dis.No.101832/D3/99 dated 02.03.2000 has informed that the District Educational Officers can accord permission to the Aided School employees who wish to join correspondence course and for joining Ph.D., like courses, permission of the Director of School Education is necessary. Hence the petitioner ought to have obtained prior permission of the District Educational Officer, Thoothukudi before joining B.A., English and B.Ed., degrees through Distance Education mode. But the writ petitioners have not obtained any such permission from the Educational Authorities. In view of the fact that no such permission was obtained and the benefit of incentive increment cannot be granted to the writ petitioners.

3. The learned counsel appearing on behalf of the writ petitioners submitted a copy of the Government Order issued in G.O.(Ms) No.101, dated 18.05.2018. Even as per the Government Order, the duties and responsibilities of the District Educational Officer is enclosed in Annexure-II of the Government Order. In the said G.O., prior permission for acquiring additional qualification must be obtained from the District Educational Officer.

<https://hcservices.ecourts.gov.in/hcservices/>

4. May that it be, this Court is of the considered opinion that whenever the Government benefits are claimed namely the approval



of appointments, Government salary and Government increment such permissions are required from the competent authority. It is not as if the Private management can grant permission to undergo courses and thereafter, grant permission. Once the Government benefits are extended to the teachers, then for the purpose of availing such benefits, proper permission and orders are to be obtained from the competent Educational Authorities. In the case on hand, the writ petitioners are unable to establish that they have obtained prior permission for acquiring the additional educational qualifications.

5.This being the factum of the case, the impugned orders are in consonance with the Government orders issued in the matter of grant of incentive increments. In the event of establishing that the writ petitioners have obtained prior permission for undergoing courses, the petitioners would be eligible and not otherwise.

6.With these observations, these writ petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

- 1.The Director of School Education,
College Road,
Chennai-600 006.
- 2.The District Educational Officer,
Tuticorin, Tuticorin District.
- 3.The Correspondents,
St. Anne's High School,
Thattarmadam,
Tuticorin District-628 653.
- 4.The Correspondents,
St. Xavier's High School,
T.Saveriarpuram,
Tuticorin District-628 002.



5.The Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

+2 CC to M/s.A.AJITH GEETHAN, Advocate (SR-72972,72971[F] dated
03/07/2019)

W.P(MD) Nos.14085 and 11046 of 2015

01.07.2019

KM/ (11.07.2019) 5P 8C