



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.10485 of 2020

and

W.M.P (MD)Nos.9277 & 9280 of 2020

WEB COPY

A.John Bosk

...Petitioner

-Vs-

- 1.The Director of School Education,
O/o.The Director of School Education,
DPI Compound,
College Road,
Chennai.
- 2.The Chief Educational Officer,
Office of the Chief Educational Office,
Pudukkottai,
Pudukkottai District.
- 3.The District Educational Officer,
O/o.The District Educational Office,
Pudukkottai,
Pudukkottai District.
- 4.The Correspondent,
St. Mary's Higher Secondary School,
Perangulam,
Alangudi Road,
Pudukkottai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in அ.தி.மு.1811/அ5/2020 dated 24.03.2020 and quash the same as illegal and consequentially to direct the respondents to sanction the 2nd incentive increment to the petitioner for having acquired M.Phil within the period that may be stipulated by this Court.

For Petitioner
For R1 to R3

: Mr.C.Venkatesh Kumar
: Mrs.S.Srimathy,
Special Government Pleader



ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in his proceedings in அ.தி.மு.1811/அ5/2020இ, dated 24.03.2020 and quash the same and consequentially to direct the respondents to sanction the 2nd incentive increment to the petitioner for having acquired M.Phil within the period that may be stipulated by this Court.

2. Heard Mr.C.Venkatesh Kumar, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The petitioner is a Teacher working under the fourth respondent School from the year 2008-2009 and thereafter, he had acquired higher qualification for M.Phil, for which, permission sought for by the petitioner was granted and only after getting permission, he completed the M.Phil degree, thereafter, in order to get an incentive increment for having acquired such qualification, a proposal was sent by the fourth respondent School on behalf of the petitioner on 20.03.2020, the same has been returned or rejected by the third respondent through the impugned proceedings, dated 24.03.2020 stating that the prior approval order for pursuing the higher qualification should be produced.

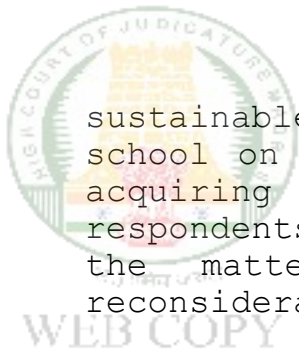
4. Challenging the order of rejection, dated 24.03.2020, the present writ petition has been filed.

5. The learned counsel appearing for the petitioner has brought to the notice of this Court about the following judgments in ***W.P. (MD)No.4019 of 2018, dated 03.01.2019 in the matter of J.Tamilrajan vs. The State of Tamil Nadu, rep. by its Secretary and others and in W.P(MD)No.12472 of 2014, dated 04.10.2019 in the matter of T.David Vs.The Director of School Education, Chennai and others.*** By relying upon these decisions, the learned counsel appearing for the petitioner would submit that, the issue raised herein has already been settled, where, if at all the teacher acquired higher qualification, for which, the teacher is otherwise eligible to get the Incentive Increment, the same cannot be denied on the sole ground that undertaking of higher education by the teacher, was without prior permission.

6. Therefore, the learned counsel appearing for the petitioner would submit that, the very same reason, since has been given by the second respondent while rejecting or returning the proposal sent by the School, can not be sustained.

7. Heard the learned Special Government Pleader appearing for the respondents, who would submit that, the said reason may not be

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sustainable, however, the request made by the fourth respondent school on behalf of the petitioner to get Incentive Increment for acquiring the higher qualification would be reconsidered by the respondents, on merits and in accordance with law and accordingly, the matter can be remitted back to the respondents for reconsideration.

8. The said fair submissions made by the learned Special Government Pleader appearing for the respondents is taken on record and in view of the settled legal position, this Court is inclined to dispose of this writ petition, with the following direction:

"that the impugned order dated 24.03.2020 is quashed and the matter is remitted back to the respondents, especially, the third respondent, who shall reconsider the issue once again, without insisting the prior approval order for pursuing the higher qualification and accordingly, decide the eligibility or otherwise on the part of the petitioner to seek such Incentive Increment for having acquired higher qualification and accordingly, pass the necessary orders to that effect, within a period of six weeks from the date of receipt of a copy of this order."

9. With this observations and direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

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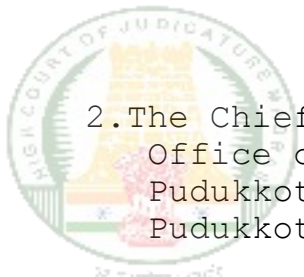
Sub Assistant Registrar(CS)

Am

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.



2.The Chief Educational Officer,
Office of the Chief Educational Office,
Pudukkottai,
Pudukkottai District.

3.The District Educational Officer,
Pudukkottai,
Pudukkottai District.

W.P. (MD) No.10485 of 2020
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VR (CO)
CS (02.11.2020) 4P 4C