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W.A.[MD]No.825 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. [MD]No.825 of 2021

and

C.M.P. [MD]No.3669 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,
Virudhunagar.

3.The District Educational Officer,
Virudhunagar District.
Virudhunagar.

: Appellants

Vs.

1.L.Valli

2.The Secretary,
SHN, Ethel Harvey Girls Higher Secondary School,
Railway Feeder Road, Sattur,
Virudhunagar District.

: Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 09.12.2020 in W.P.[MD]No.17732 of 2020 and allow the writ appeal.

Prayer in WP(MD). 17732/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other order or direction in the nature of writ, call for the records relating to the impugned orders passed by the 3rd respondent vide O.Mu.No.5354/A5/2019 dated 10/08/2020 and quash the same and consequently direct the 4th respondent to forward the proposal in respect of the petitioner's incentive increment for having acquired M.Phil., degree to the 2nd and 3rd respondents and direct the 2nd and 3rd respondents to approve the same within thime frame and pass such further or other orders as this Honble Court.

For Appellants

: Mrs.S.Srimathy

Special Government Pleader



JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellant department.

2.This appeal filed by the Director of School Education and the officials of the Education Department is directed against the order dated 09.12.2020 in W.P.[MD]No.17732 of 2020.

3.The first respondent filed the said writ petition challenging the proceedings of the third appellant dated 10.08.2020, by which, the third appellant directed the second respondent to take appropriate action against those teachers which include the writ petitioner as to why disciplinary action should not be taken against them for having acquired higher qualification without obtaining prior permission from the department.

4.Identical issue has been considered by us in W.A.[MD]No.813 of 2021 and we have dismissed the appeal filed by the appellant department. The operative portion of the said judgment dated 16.04.2021 in W.A.[MD]No.813 of 2021, reads as follows:

"8.After we have elaborately heard Mrs.S.Srimathy, learned Special Government Pleader appearing for the appellants and Mr.D.Shanmugaraja Sethupathi, learned Counsel for the first respondent / writ petitioner, we are of the considered view that the order passed by the learned Single Bench is perfectly justified and calls for no interference. We had an occasion to consider a similar case, though there was a slight difference in the facts of the case in W.A.[MD]No.271 of 2021 and we have dismissed the appeal filed by the Government.

9.The case on hand is a better case on facts. Thus for the reasons assigned by the learned Writ Court, as well as the reasons assigned by us and in terms of our earlier judgments referred above, we find no good grounds to interfere with the order of the learned Writ Court.

10.After we have dictated the judgment, the learned Special Government Pleader submitted that the matter has to be placed for ratification before the Court.

11.In the facts and circumstances of the case, we find no justification for doing so because no such ratification needs to be automatic because the head



of the department namely, the Director of School Education has already issued proceedings dated 18.02.2019. This should be taken note of by the appellants.

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12. Accordingly, this Writ Appeal stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed."

5. Following the above judgment, this Writ Appeal also stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR **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.

+1 CC to M/s.SPL GP (SR-16708[F] dated 20/04/2021),17394

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