



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD)Nos.17183, 17197, 17201, 17204, 17208 & 17209 of 2020
and W.M.P. (MD) Nos.14385, 14386, 14391, 14394, 14397 of 2020
(Through Video Conference)

P.Muthukani	... Petitioner in WP(MD). 17183 of 2020
A. Mareeswari	... Petitioner in WP(MD). 17197 of 2020
Mahalakshmi	... Petitioner in WP(MD). 17201 of 2020
A. Indra Shanmugavadivu	... Petitioner in WP(MD). 17204 of 2020
P. Selvi	... Petitioner in WP(MD). 17208 of 2020
Selvamani	... Petitioner in WP(MD). 17209 of 2020

Vs

1. The Joint Director of School
Education (Vocational),
O/o the Joint Director of
School Education (Vocational),
DPI Campus, College Road, Chennai 600 006
2. The Chief Educational Officer,
O/o the Chief Educational Officer,
Tuticorin, Tuticorin District.
3. The District Educational Officer,
O/o the District Educational Officer,
Tuticorin District.
4. The Secretary,
Karapettai Nadar School,
Girls Higher Secondary School,
No.331, Great Cotton Road,
Thoothukudi - 628 002 ... Respondents in all the Cases

PRAYER in WP(MD). 17183 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned letter in A.The.Mu.No.3047/A3/2020 dated 02.09.2020 on the file of the respondent no.3 and quash the same as illegal and consequently for a



direction, directing the respondents to grant two incentives for acquiring higher qualification i.e. M.A.(T) and B.Ed. to the petitioner by way of ratification within the time period stipulated by this Court.

Prayer in WP(MD). 17197 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned letter in A.The.Mu.No.3051/A3/2020 dt 24.08.2020 on the file of the respondent 3 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentives for acquiring higher qualification i.e.M.Sc and B.Ed to the Petitioner by way of ratification.

Prayer in WP(MD). 17201 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned letter in A.The.Mu.No.3046/A3/2020 dt 24.08.2020 on the file of the respondent 3 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentives for acquiring higher qualification i.e.B.Ed and B.Litt to the Petitioner by way of ratification.

Prayer in WP(MD). 17204 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned letter in A.The.Mu.No.3181/A3/2020 dt 28.08.2020 on the file of the respondent 3 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentives for acquiring higher qualification i.e.B.Ed and B.Litt to the Petitioner by way of ratification.

Prayer in WP(MD). 17208 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned letter in A.The.Mu.No.3278/A3/2020 dt 28.08.2020 on the file of the respondent 3 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentives for acquiring higher qualification i.e.M.A and B.Ed to the Petitioner by way of ratification.

Prayer in WP(MD). 17209 of 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned letter in A.The.Mu.No.3052/A3/2020 dt 28.08.2020 on the



file of the respondent 3 and quash the same as illegal and consequently for a direction, directing the respondents to grant two incentives for acquiring higher qualification i.e.B.litt, M.A(T) and B.Ed to the Petitioner by way of ratification.

In all cases:

For Petitioners : M/s.M.Kanimozhi
For RR1 to 3 : Mr.A.Thiyagarajan,
Government Advocate
For R4 : Mr.T.Lajapathi Roy

C O M M O N O R D E R

Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

2. All the petitioners herein, have possessed higher education during their service under the fourth respondent herein and they aspired to avail incentive increment for their higher education, in terms of the Regulations governing them. When the fourth respondent had sought for the approval for registration of the petitioner's higher qualifications for the purpose of granting incentive increment, the same came to be rejected by the third respondent herein, stating that, there had not obtained prior permission of the Authorities, for undergoing higher education.

3. The petitioners' herein intend to avail incentive increment for having possessed higher education qualification and the purpose for which the ratification of their higher degrees was also for making them eligible for availing the said increment.

4. This Court, in various writ petitions have held that claims for conferment of incentive increment for acquiring higher educational qualifications cannot be denied on the ground that such higher qualifications were acquired without prior permission. One such order of this Court passed in the case of **J.Tamilrajan vs. Department of School Education and others** passed in W.P.(MD) No.4019 of 2018, reads thus:-

"3.In W.P(MD).No.1049 of 2012, a learned single Judge of this Court has considered the similar question and has rejected the claim of the department that if the higher education is pursued without consent of the permission of the department, the teacher was not entitled to the incentive increments for obtaining such higher qualification. Following the said Judgment, another learned single Judge of this Court in



W.P.No.18086 of 2017 has held that want of permission cannot stand in the way of the petitioner being favoured with the incentive increments for having obtained higher qualifications. While doing so, paragraph 7 of the order, this Court has observed as follows:

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" 7.This Court in the unreported decision made in W.P(MD).No. 21895 of 2015 dated 08.12.2015, while considering the claims for conferment of incentive increment for acquiring qualification and the contention that they were acquired without prior permission, held that conferment of incentive increment cannot be denied on that score. Acquiring higher education by the teacher is only for the benefit of students. In that view of the matter, the first ground of opposition stands rejected"

4. In view of the above, the sole ground on which the authorities rejected the claim of the petitioner towards incentive increments fails and the writ petition is liable to succeed. The impugned order of rejection is therefore, quashed. The respondents are directed to sanction the incentive increments to the petitioner for obtaining the higher qualifications namely M.A.History and B.Ed Degree from the date of acquisition of the respective qualifications. The said exercise shall be completed within 8 weeks from the date of receipt of a copy of this order."

5. By applying the ratio held in the aforesaid decision as well as various other decisions, on the same line, it can be said that the petitioners herein would be entitled for incentive increments for having possessed higher educational qualifications, even though they had not obtained prior permissions of the Authorities for having undergone the course for such higher education.

6. In the light of the above observations, the fourth respondent Management is granted liberty to make an appropriate proposal to the third respondent herein, recommending the candidature of the petitioners herein for grant of incentive increment for having possessed their respective higher educational degrees. On receipt of such a proposal, the third respondent herein, shall positively consider the same, if not otherwise disqualify, in the line of the observations made by this Court and extend the benefit of incentive increment, atleast within a period of twelve (12) weeks from the date of receipt of the proposal.



7. Accordingly, the Writ Petitions stand allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

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Sub Assistant Registrar(CS)

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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 Joint Director of School Education (Vocational),
O/o the Joint Director of
School Education (Vocational),
DPI Campus, College Road, Chennai 600 006
2. The Chief Educational Officer,
O/o the Chief Educational Officer,
Tuticorin, Tuticorin District.
3. The District Educational Officer,
O/o the District Educational Officer,
Tuticorin District.
4. The Secretary,
Karapettai Nadar School,
Girls Higher Secondary School,
No.331, Great Cotton Road,
Thoothukudi - 628 002

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-3199 [F] dated 04/02/2021)

+1 CC to M/s.GP (SR-3304[F] dated 04/02/2021)

+7 CC to M/s.T.TAMIL MALAR, Advocate (SR-3202 [F] dated 04/02/2021)

Common Order made in

W.P. (MD)Nos.17183, 17197, 17201,
17204, 17208 & 17209 of 2020

Dated: 03.02.2021

SJ(CO)

TR(30.03.2021) 5P 14C

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