



W.P.(MD)No.6650 of 2020

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 23.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.(MD)No.6650 of 2020  
and  
W.M.P.(MD)No.6000 of 2020**

D.Beulah Rajaselvi

... Petitioner

**Vs.**

1. The District Educational Officer,  
Thoothukudi,  
Thoothukudi.
2. The District Educational Officer,  
Tiruchendur,  
Thoothukudi District.
3. The Correspondent,  
St.John's Girls' Higher Secondary School,  
Nazareth,  
Thoothukud District.

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records relating to the order passed by the first respondent in his



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proceedings in Na.Ka.No.1221/A4/18 dated 14.03.2018 and quash the same as illegal and consequent direction may be issued to the second respondent to grant incentive increment for the higher studies of M.A., Course.

For Petitioner : Mr.T.A.Ebenezer  
For Respondents : Mr.J.Ashok  
Additional Government Pleader

### **ORDER**

This Writ Petition has been filed to call for the records of the impugned order passed by the first respondent, vide proceedings in Na.Ka.No.1221/A4/18, dated 14.03.2018, quash the same and consequently, direct the second respondent to grant incentive increment for the higher studies of M.A., Course to the petitioner.

2. The case of the petitioner is that the petitioner was appointed as B.T.Assistant (Maths) in Tucker Higher Secondary School on 16.09.2004 and subsequently, she was transferred to St.John's Girls Higher Secondary School, Thoothukudi District on 03.06.2015. The petitioner sought



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permission from the first respondent through proper channel, i.e., Correspondent of the School to study M.A., vide representation dated 03.09.2009. The third respondent has also forwarded the same to the first respondent on 03.12.2009. However, the first respondent returned the proposal that the particulars were incomplete in the said application. On 03.12.2009 itself, the third respondent, has granted permission and the same has been entered in the Service Register. Based on the permission given by the third respondent Management, the petitioner has joined in the course of M.A., (Tamil) in Distance Education Mode in Alagappa University during 2009-2011. On 24.02.2018, the third respondent has corrected the defects and submitted the proposal based on the earlier proceedings of the first respondent, dated 12.01.2010. Again, the third respondent returned the proposal, vide proceedings dated 14.03.2018 by stating that after seven years, no permission could be granted. Challenging the same, the petitioner has filed the present Writ Petition with a request to sanction incentive increment for M.A., Course.



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3. The learned counsel appearing for the petitioner would submit that admittedly, based on the permission given by the third respondent Management, the petitioner has completed M.A., (Tamil) in Distance Education Mode in Alagappa University in the year 2009-2011, for which, she is entitled for incentive increment. In order to avail the same, the petitioner has made an application and the same was rejected, which is not sustainable one. Accordingly, he prayed for appropriate orders.

4. The learned Additional Government Pleader appearing for the respondents would submit that without prior permission of the Department, the petitioner has completed M.A., (Tamil) and hence, she is not entitled to get incentive increment and her request to grant permission after a prolonged delay of seven years is unsustainable one. Accordingly, he prayed for dismissal of the Writ Petition.

5. Heard the learned counsel appearing for the parties and perused the materials placed before this Court.



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6. The facts in the present case are not in dispute. Admittedly, the petitioner was appointed as B.T.Assistant (Maths) in the year 2004. While she was working in the third respondent School in the year 2009, the petitioner made an application for pursuing higher studies, i.e., M.A., (Tamil). However, initially, that application was rejected by the first respondent and without getting approval from the first respondent, the petitioner has completed higher studies in the year 2011. Thereafter, the petitioner was transferred to various schools and returned back to the third respondent School in the year 2015. Again, the petitioner forwarded the proposal for approval of the earlier higher studies which were completed based on the approval of the third respondent Management and the same was rejected on the ground that earlier, the first respondent has returned the proposal forwarded by the third respondent for pursuing higher studies and without obtaining prior approval from the District Educational Officer, pursued the higher studies in order to avail the benefits, which is not sustainable one. Further, the Government had already delegated the power to the Director of School Education to grant permission in respect of the employees in the Aided Schools under his control to join correspondence



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course and without obtaining prior permission for correspondence course from the Competent Authority and claiming benefits in higher studies is not sustainable one. Further, the Government has passed G.O.(Ms).No.37, Personnel and Administrative Reforms (FR-IV) Department, dated 10.03.2020 to take a policy not to grant incentive increment for higher studies. Hence, the prayer sought for in the Writ Petition cannot be granted.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**23.12.2022**

Index : Yes / No

Speaking Order : Yes / No

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