



W.P.(MD)No.1492 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1492 of 2023

and

W.M.P(MD) Nos.1359 to 1361 of 2023

S.Rajkumar

: Petitioner

Vs.

- 1.The Chief Educational Officer
O/o. the Chief Educational Officer,
Thoothukudi District.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Thoothukudi District.
- 3.The St. Francis Xavier's Higher Secondary School,
Rep. by the Correspondent,
Chinna Kovil Compound,
Thoothukudi District - 628 001.

: Respondents



W.P.(MD)No.1492 of 2023

WEB COPY

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Oo.Mu.No. 1206/Aa1/A3/2022 dated 16.11.2022 on the file of the Respondent No.2 and quash the same as illegal and consequently directing the respondent Nos.1 and 2 to sanction incentive increment to the petitioner for acquiring B.Ed., Degree qualification forthwith.

For Petitioner : Mr.I.Pinaygash

For Respondents : Mr.S.Saji Bino, - for R1 & R2
Special Government Pleader

ORDER

This writ petition has been filed to quash the impugned order in Oo.Mu.No.1206/Aa1/A3/2022 dated 16.11.2022 on the file of the Respondent No.2 and consequently directing the respondents 1 and 2 to sanction incentive increment to the petitioner for acquiring B.Ed., Degree qualification forthwith.



W.P.(MD)No.1492 of 2023

WEB COPY

2. The learned counsel appearing for the petitioner submitted that the petitioner acquired higher qualification without prior permission from the office for B.Lit (Tamil) literature. However, when the same was sent for ratification, the said ratification was rejected on the ground that there is no provision for awarding ratification, since he acquired higher qualification without prior permission from the office. Challenging the impugned order the present writ petition is filed.

3. The learned counsel for the petitioner further submitted that though there is no provision either in the Tamil Nadu Private School Regulation Act or in the Rules for getting ratification for acquiring higher qualification. However, this Court may grant permission to the petitioner to make representation to the School Management to forward his higher qualification for incentive increments.

4. Considering the facts and circumstances of the case that the petitioner acquired higher qualification for B.Lit. (Tamil) without prior permission and thereafter, the petitioner made a representation to ratify the



W.P.(MD)No.1492 of 2023

higher qualification with the Education Department and the same was rejected on the ground that there is no provision for granting ratification for acquiring higher qualification. Hence, the impugned order cannot be interfered with.

5. However, without interfering with the impugned order in this writ petition, liberty is granted to the petitioner to make appropriate application before to the School Management for appropriate benefits, if law permits and the same may be considered and pass appropriate orders on its own merits.

6. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

27.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
RM



WEB COPY



W.P.(MD)No.1492 of 2023

To

- 1.The Chief Educational Officer
O/o. the Chief Educational Officer,
Thoothukudi District.
- 2.The District Educational Officer,
O/o. the District Educational Officer,
Thoothukudi District.



WEB COPY



W.P.(MD)No.1492 of 2023

M.DHANDAPANI, J.

RM

W.P.(MD)No.1492 of 2023

27.01.2023