



DATED:28.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.4137 of 2023
and
W.M.P(MD)No.3959 of 2023

P.Hemalatha

... Petitioner

Vs.

- 1.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 2.The Chief Educational Officer,
Tiruchirapalli, Tiruchirapalli District.
- 3.The District Educational Officer,
Musiri, Tiruchirapalli District.
- 4.The Block Educational Officer – 2,
Musiri, Tiruchirapalli District.
- 5.The Headmaster,
Panchayat Union Primary School,
Eluppaiyur, Musiri Union,
Tiruchirapalli District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order issued by the fourth respondent Block Educational Officer in Oo.Mu.No.1281/A2/2022, dated 10.08.2022, quash the same and further direct the respondents 1 to 4, to sanction and disburse two advanced increments to the petitioner for acquiring M.A(History) Degree w.e.f. the date of completion of course.

For Petitioner : Mr.T.Cibi Chakraborty
For Respondents : Mr.T.Amjadkhan,
Government Advocate

ORDER

This writ petition has been filed to quash the impugned order passed by the fourth respondent Block Educational Officer in Oo.Mu.No. 1281/A2/2022, dated 10.08.2022 and to direct the respondents 1 to 4, to sanction and disburse two advanced increments to the petitioner for acquiring M.A(History) Degree w.e.f. the date of completion of course.

2. The case of the petitioner is that the petitioner is working as Secondary Grade Teacher in the fifth respondent school since 2008.



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As on the date of appointment, the petitioner possessed B.A(History) qualification. Subsequently, she sought prior permission to study M.A.,(History) for the academic year 2008-2010 from District Elementary Educational Officer through proper channel. The said application was sent on 09.09.2008. The Additional Assistant Educational Officer(AAEEO) also recommended the case of the petitioner and forwarded the application to District Elementary Educational Officer. Subsequently, the petitioner took admission for M.A.,(History) and successfully completed the course. Thereafter, the AAEEEO verified the genuineness of the certificate and found that the degree certificate is genuine. Even thereafter, the District Elementary Educational Officer did not grant permission and sanction two advance increments admissible to the petitioner in terms of G.O.Ms.No.42 (Education) dated 10.01.1969. Hence, the petitioner made several requests to the District Elementary Educational Officer seeking post approval/permission to the M.A(History) degree Course. Since there was no response, the petitioner made a representation to the District Educational Officer on 17.06.2022 and the same was returned instructing



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the petitioner to submit a representation through the fourth respondent Block Educational Officer. Hence, the petitioner made a representation before the fourth respondent on 02.07.2022. The fourth respondent vide the impugned proceedings, dated 10.08.2022, returned the petitioner's application reiterating the reasons stated by the District Educational Officer. Challenging the same, the petitioner has filed this writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that already the petitioner was awarded with two advance increments for acquiring B.Ed., (History). If prior approval was granted in favour of the petitioner, he will be able to get another two advance increments for acquiring M.A(History), for which he made a representation. However, the learned counsel appearing for the petitioner would fairly submit that prior approval is not necessary for pursuing higher studies and for technical reasons, this writ petition is filed.



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4. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.

5. In a catena of decisions, this Court has held that prior permission is not necessary for pursuing higher studies. In view of the same, the prayer sought for in this writ petition is misconceived. However, the petitioner is at liberty to work out her remedy in the manner known to law.

6. Accordingly, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

28.02.2023

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NCC:Yes/No

Index:Yes/No

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M.DHANDAPANI,J.

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