



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.08.2023**

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRVARTHY**

**W.A(MD)NOS.505, 519 and 496 OF 2022
and
C.M.P(MD)Nos.4546,4576,4640 of 2022 and 10183 of 2023
and 10128 of 2023**

W.A(MD)NO.505 OF 2022

- 1.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.
- 2.The District Educational Officer,
Thoothukudi,
Thoothukudi District. :Appellant/Respondents 1 and 2

.VS.

- 1.Francis Manoharan,
BT Assistant Maths,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008.
Thoothukudi District. : Ist Respondent/Writ Petitioner
- 2.The Correspondent,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008, Thoothukudi.
:2nd Respondent/3rd Respondent.

W.A(MD)NO.519 OF 2022

- 1.The Joint Director of School Education,
College Road,
Chennai-600 006.
- 2.The Chief Educational Officer,



Thoothukudi,
Thoothukudi District.

2.The District Educational Officer,
Thoothukudi,
Thoothukudi District. :Appellant/Respondents 1 to 3

.vs.

1.S.Arul Raj,
BT Assistant science,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008.
Thoothukudi District. : Ist Respondent/Writ Petitioner

2.The Correspondent,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008, Thoothukudi.
:2nd Respondent/3rd Respondent.

W.A(MD)NO.496 OF 2022

1.The Chief Educational Officer,
Thoothukudi,
Thoothukudi District.

2.The District Educational Officer,
Thoothukudi,
Thoothukudi District. :Appellant/Respondents 1 and 2

.vs.

1.S.Giltus,
Secondary Grade Teacher,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008.
Thoothukudi District. : Ist Respondent/Writ Petitioner

2.The Correspondent,
St.Mary's Boys Higher Secondary School,
Millerpuram – 628 008, Thoothukudi.
:2nd Respondent/3rd Respondent.

PRAYER in W.A(MD)No.505 of 2022 Writ Appeal filed under



Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.3654 of 2021, dated 25.02.2021.

PRAYER in W.A(MD)No.519 of 2022 Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.3330 of 2021, dated 22.02.2021.

PRAYER in W.A(MD)No.496 of 2022 Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order passed by this Court in W.P(MD)No.3846 of 2021, dated 01.03.2021.

For Appellants :Mr.D.Sadiq Raja
in all appeals Addl.Govt.Pleader

For Respondent-1 :M/s.A.Amala
in all appeals

For Respondent-2 :No appearance
in all appeals

COMMON JUDGMENT

[Judgment of the Court was made by **S.S.SUNDAR,J.**]

These Writ Appeals are filed challenging the impugned orders passed in the Writ Petitions which are common in all these cases.

2.Heard the learned counsel appearing on either side and



perused the materials placed before this Court.

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3.This Court has already decided similar cases where the orders allowing the Writ Petitions filed by the teachers are upheld by this Court. Applications filed for incentive increments filed by the individual teachers/Writ Petitioners are rejected only on the ground that the Writ Petitioners have not obtained prior permission of the authority for undergoing the higher education.

4.The learned Single Judge, taking note of few decisions and accepting the claim of the teachers, allowed the Writ Petitions. This Court, has also allowed several other cases which are similar to the case pleaded by the Writ Petitioners. Since the Writ Petitions filed by the teachers have been allowed in tune with several decisions of this Court, wherein, the eligibility of the teachers to get incentive increments even if they have undergone higher education without obtaining prior permission from the authorities, have been considered in favour of the Writ Petitioners. This Court finds no merit in any of the Writ Appeals, in view of the earlier orders, particularly, when there is an order passed by this Court in W.A(MD)No.1124 of 2023, dated 24.07.2023 in Neutral Citation in No.2023/MHC/3338.



5. Accordingly, all these Writ Appeals stand dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.S.S.R.,J.] [D.B.C.,J.]
23.08.2023

Index:Yes/No

Internet:Yes/No

NCC:Yes/No

vsn



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S.S.SUNDAR, J.
AND
D.BHARATHA CHAKRAVARTHY, J.

vsn

COMMON JUDGMENT MADE IN
W.A(MD)NOs.505, 519 and
496 OF 2022
and
C.M.P(MD)Nos.4546,4576,4640
of 2022 and 10183 of 2023
and 10128 of 2023

23.08.2023