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**W.A.(MD) Nos.1220, 1223, 1240, 1249, 1312,
1340 and 1417 of 2022**

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.A.(MD) Nos.1220, 1223, 1240, 1249, 1312, 1340 and 1417 of 2022
and
C.M.P.(MD)Nos.9454, 9488, 9646, 9719, 10200, 10479
and 11406 of 2022**

W.A.(MD) No.1220 of 2022

- 1.The Joint Director of School Education,
(Higher Secondary),
College Road, Chennai-6.
- 2.The Chief Educational Officer,
Thanjavur, Thanjavur District.
- 3.The District Educational Officer,
Thanjavur, Thanjavur District. ... Appellants/Respondents 1 to 3

-vs-

- 1.M.Rajkumar ... 1st Respondent/Writ Petitioner
- 2.The Secretary,
Kalyana Sundaram Higher Secondary School,
Thanjavur-613 009
Thanjavur District. ... 2nd Respondent/4th Respondent

PRAYER: Writ Appeal has been filed under Clause 15 of Letters Patent to set aside the order, dated 09.06.2022 made in W.P.(MD)No.14011 of 2021 on the file of this Court.



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For Appellants : Mr.D.Sadiq Raja
Additional Government Pleader

For R1 : Mr.T.Pon Ramkumar

COMMON JUDGMENT

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

These writ appeals are directed against the orders of the learned Single Judge allowing the writ petitions filed by the first respondent in the respective writ appeals.

2. The first respondent, in all these appeals, are teachers employed in private aided schools. The writ petitioners made a claim for incentive increment for acquiring higher qualification. However, the same was rejected by the Joint Director of School Education. The order rejecting the claim of individual writ petitioners for incentive increment and the consequential order had been challenged in the writ petitions filed by the respective teachers. The learned Single Judge allowed the writ petitions. It is not in dispute that the application for incentive increment was rejected by the authorities only on the ground that the first respondent in all these appeals had not obtained prior permission of the authorities for undergoing higher education. The learned



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Single Judge following several judgments on this issue, allowed all the writ petitions on the ground that the reason for rejecting the writ petitioners' claim is not sustainable. This Court in similar appeal preferred by the officials, dismissed the same after following the judgment of the Hon'ble Division Bench of this Court affirming the judgment of the learned Single Judge in similar writ petition.

3. In view of the same, this Court has already decided the issue in favour of the teachers and this Court finds no merit in these writ appeals and therefore, these writ appeals stand dismissed. No costs. The appellants are directed to comply with the direction of the learned Single Judge within a period of 12 weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petitions are closed.

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

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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and
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sjj

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