



W.P(MD)No.21890 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21890 of 2023

A.Yashmin

... Petitioner

Vs.

1. The Joint Director of School Education,
(Higher Secondary),
Directorate of School Education,
College Road, Chennai – 6.

2. The Chief Educational Officer,
O/o the Chief Educational Office,
Theni, Theni District.

3. The Head Master,
Government Higher Secondary School,
Devathanapatty,
Periyakulam Taluk,
Theni District

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of mandamus directing the respondents to make necessary entry of the petitioner's Higher Educational Qualification of Master of Philosophy (M.Phil.,) in the Service Register (SR) and sanction incentive increment for the same in terms of order passed by the Division Bench of this Court in W.A(MD)No.1124 of 2023 dated 24.07.2023 and by considering the



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petitioner's representation dated 07.08.2023 within the period that may be stipulated by this Court.

For Petitioner : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates
For Respondents : Mr.V.Omprakash
Government Advocate

ORDER

The present Writ Petition has been filed by a P.G Assistant (English) Teacher working in the 3rd respondent school seeking issuance of writ of mandamus as against the educational authorities for recording her higher qualification of M.Phil degree in the petitioner's Service Register and to sanction incentive increment.

2. The petitioner has acquired her M.Phil decree from the Madurai Kamarajar University in the year 2016. The petitioner has sent a representation to the authorities on 07.08.2023 to the Head Master of the concerned school requesting him to incorporate the higher qualification in the Service Register. Since there was no response, the present Writ Petition has been filed.



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3. The learned counsel for the petitioner relied upon the judgment of this Court passed in W.A(MD)No.1124 of 2023 dated 24.07.2023 and contended that non-obtaining of prior permission to undergo a course will not bar an employee from recording the said qualification in the Service Register or getting any other benefits arising out of the said higher qualification.

4. Per contra, the learned counsel for the respondents has contended that though the petitioner has filed an application seeking prior permission, before passing of orders in that application, the petitioner joined the course and obtained M.Phil degree and therefore, M.Phil decree cannot be recorded in the Service Register or no benefits could be conferred on the basis on the said degree.

5. I have heard the submissions made on either side and carefully perused the materials available on record.



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6. There is no dispute that the petitioner had passed M.Phil degree before permission could be granted by the authorities. Paragraph No.3 of the order dated 24.07.2023 passed in W.A(MD)No.1124 of 2023 is extracted herein under:

“It is true that there are several Government Order which have insisted the requirement of permission of the educational authorities for a teacher to undergo higher education. It is to be noted that the payment of incentive increment for acquiring higher qualification is to encourage the teachers to acquire higher qualification so that the quality of education will be higher. It may be true that the teacher while in service will have to obtain pro permission as per the Government Orders. Further it is to be notes that acquiring higher qualification while in service is not and it is only regulated. In such circumstances, acquiring higher prohibited qualification while in service without the permission is only an irregularity and that will not entitle the respondents to reject the benefit to the teachers”.

7. In view of the above judgment of the Hon'ble Division Bench, any higher qualification acquired without any prior



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permission could be entered into the service records and consequential incentive increment also could be granted . In view of the order of the judgment of the Hon'ble Division Bench, the 3rd respondent is directed to make entries in the service Register and confer other attendant benefits upon the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of. No costs.

11.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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R.VIJAYAKUMAR, J.

CM

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