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W.A.(MD) No.1733 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.09.2023**

**CORAM:**

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

**W.A.(MD) No.1733 of 2023  
and  
C.M.P.(MD) No.13263 of 2023**

1.The Chief Educational Officer  
Thanjavur, Thanjavur District

2.The District Educational Officer  
Thanjavur  
Thanjavur District

... Appellants

-vs-

1.D.Anne Angel Jeba

2.The Correspondent  
St.Peter's Higher Secondary School  
Thanjavur-613 009  
Thanjavur District

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 29.07.2022, passed in W.P.(MD) No.14470 of 2022, on the file of this Court.



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

For Respondents : Mr.T.Pon Ramkumar for R1

### **J U D G M E N T**

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

This writ appeal is directed against the order of the learned Single Judge, dated 29.07.2022, passed in W.P.(MD) No.14470 of 2022.

**2.** The first respondent / writ petitioner is working as B.T.Assistant in the second respondent – School and she acquired M.Phil., Degree during her service in March, 2008. She wanted to avail incentive increment for having higher educational qualification of M.Phil. Degree from the date of her eligibility i.e. from March, 2008. Her request was rejected by the appellant - Department, mainly on the ground that the first respondent had not obtained prior permission to undergo the said course.

**3.** Challenging the same, the first respondent filed W.P.(MD) No. 14470 of 2022 for issuance of a writ of certiorarified mandamus to quash the



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order dated 13.08.2021 passed by the second appellant rejecting her request of incentive increment and to direct the appellants to grant incentive increment to her.

4. The learned Single Judge, by order dated 29.07.2022, allowed the said writ petition relying upon the Judgments of this Court for the proposition that the claim of the teachers for incentive increment cannot be turned down merely on the ground that such higher educational qualification was acquired without obtaining prior permission from the Department and directed the appellants to pass orders awarding incentive increment in favour of the first respondent from March, 2008, within a period of four weeks from the date of receipt of a copy of the order.

5. Challenging the same, the Department has filed this writ appeal.

6. This Court is of the view that the issue on hand is no more *res integra*, as this Court, by Judgment dated 24.07.2023 in W.A.(MD) No.1124 of 2023 (***The Joint Director of School Education and others vs. S.Vasugi***



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**and another)**, by following the earlier decision of this Court in the case of **the Director of School Education, D.P.I. Campus, College Road, Chennai-6 vs. G.Anandhi**, in W.A.(MD) No.813 of 2021, dated 16.04.2021, has held that even though permission is required for undergoing higher studies, absence of getting prior permission will not disentitle the teachers to claim incentive increment for possessing such higher educational qualifications. In the said Judgment, this Court has also observed that payment of incentive increment for acquiring higher educational qualifications is to encourage the teachers to acquire higher educational qualification, so that the quality of education will be improved more. In the said circumstances, this Court finds no merit in this writ appeal.

**7.** Accordingly, this writ appeal fails and it is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

**[S.S.S.R., J.]**

**[D.B.C., J.]**

**29.09.2023**

NCC : Yes / No  
Index : Yes / No  
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