



W.A(MD)No.696 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.06.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.696 of 2023
and
C.M.P(MD)No.6095 of 2023**

1. The Director of School Education,
College Road, Chennai-600006.

2. The Joint Director of
School Education (Secondary Education),
College Road, Chennai-600 006.

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

4. The District Educational Officer,
Thoothukudi District,
Thoothukudi.

... Appellants

vs.

1. S.Sumathy

2. The Secretary,
V.V.D.Memorial Higher Secondary School,
Arokiapuram, Thoothukudi,
Thoothukudi District.

... Respondents

PRAYER : Appeal filed under Clause 15 of Letters Patent,
against the order passed in W.P(MD)No.3038 of 2021 dated
21.07.2022.



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For Appellant : Mr.D.Sadiq Raja
Additional Government Pleader
For R1 : Ms.A.Amala

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JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Aggrieved by the direction of the Writ Court to grant incentive increment to the petitioner for the higher qualification that has been acquired by the 1st respondents/writ petitioner, the State is on appeal.

2. The Writ Court has only followed the Division Bench judgment of this Court reported in **(2015) 6 MLJ 315, Director of Elementary Education, Chennai, vs. G.Vijayalakshmi**, wherein, it has been held that an aided school teacher is not required to get permission for pursuing higher education.

3. The learned Additional Government Pleader appearing for the appellants would submit that in connected matters, there has been a stay granted by a Division Bench of this Court.



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4. We do not think that entertaining of the appeal in connected matters would entail entertaining of this appeal also. There is a very essential factual difference in the case on hand. The petitioner joined the post graduation course in M.A. History on 19.09.2008 and she was appointed as B.T Assistant (History) only on 28.10.2008. Therefore, she was not in Government employment at all at the time when she has joined the course. Therefore, the question of her seeking permission to pursue higher studies does not arise at all. If such factual distinction is noted, we do not think we can fault the Writ Court for having allowed the writ petition.

5. The Writ Appeal fails and it is accordingly dismissed. No costs. Connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)
05.06.2023

Index : Yes / No
Internet : Yes
Neutral Citation : Yes / No
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JUDGMENT MADE IN
W.A(MD)No.696 of 2023
DATED : 05.06.2023