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W.P.(MD) No.7430 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.7430 of 2021

N.M.Parthiban

... Petitioner

-VS-

1.The Director of School Education
Chennai

2.The Chief Educational Officer
Tuticorin

3.The District Educational Officer
Kovilpatti
Tuticorin District

4.The Secretary
S.K.K.Hindu High School
Nagalapuram, Kovilpatti
Tuticorin District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for records pertaining to the order passed by the third respondent in his proceedings in O.Mu.No.5814/A4/2020



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dated 09.01.2021 and quash the same and direct the respondents to sanction one set of incentive increment to the petitioner for the higher qualification of M.Phil. in Physical Education with effect from June 2008 and confer all consequential benefits.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1 to R3
No appearance for R4

ORDER

The petitioner has filed this writ petition challenging the order of the third respondent, dated 09.01.2021, rejecting his request for grant of incentive increment for acquiring higher educational qualification of M.Phil. Degree in Physical Education with effect from June, 2008 and confer all consequential benefits.

2. Under the impugned order, the official respondents have rejected the petitioner's request, on the ground that he did not seek prior permission from the official respondents for pursuing higher educational qualification, namely, M.Phil., Degree in Physical Education.



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3. The issue on hand is no more *res integra*, as by catena of decisions, including Division Bench judgments of this Court, dated 08.09.2023 rendered in W.A.(MD) Nos.23 of 2022 & 838 of 2023 and dated 27.02.2024 rendered in W.A.(MD) No.207 of 2024, a consistent view has been taken that absence of getting prior permission for acquiring higher educational qualification will not disentitle the teachers to claim incentive increment for possessing such higher educational qualifications. Therefore, as per the settled law, there is no necessity for the petitioner to obtain prior approval from the official respondents for acquiring higher educational qualification, namely, M.Phil., Degree in Physical Education, for getting incentive increment. By total non-application of mind to the settled law, the impugned order has been passed rejecting the incentive increment to the petitioner. Therefore, necessarily, the impugned order has to be quashed and this writ petition has to be allowed as prayed for.

4. Accordingly, this writ petition is allowed. The impugned order of the third respondent, dated 09.01.2021, is hereby quashed. The official respondents are directed to sanction one set of incentive increment to the



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petitioner for holding higher educational qualification, namely, M.Phil., Degree in Physical Education, with effect from the appropriate date and confer all consequential benefits to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

08.08.2024

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

krk

To:

- 1.The Director of School Education,
Chennai.
- 2.The Chief Educational Officer,
Tuticorin.
- 3.The District Educational Officer,
Kovilpatti,
Tuticorin District.



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ABDUL QUDDHOSE, J.

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