



W.A(MD) Nos.1791 to 1796 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 20.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A(MD) Nos.1791 to 1796 of 2021

and

C.M.P.(MD)Nos.7701, 7703, 7705 to 7708 of 2021

In W.A.(MA)No.1791 of 2021

1.The Joint Director of School Education (Vocational),
O/o The Joint Director of School Education (Vocational),
DPI Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
O/o.The Chief Educational Officer,
Tuticorin, Tuticorin District.

3.The District Educational Officer,
O/o the District Educational Officer,
Tuticorin District.

... Appellants / Respondents 1 to 3

Vs

1.P.Muthukani

... 1st Respondent / Writ Petitioner

2.The Secretary,
Karapettai Nadar School,
Girls Higher Secondary School,
No.331, Great Cotton Road,
Thoothukudi-628 002.

... 2nd Respondent / 4th Respondent

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 03.02.2021 passed in W.P. (MD)No.17183 of 2020.

For Appellants : Mr.V.OM.Prakash
Government Advocate
For Respondents : Mr.T.Lajapathi Roy
Senior Counsel
for Mr.G.Karthik
for R1
: No appearance for R2

COMMON ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

The issue relates to grant of incentive increment. The request for incentive increment was rejected on the ground that the 1st respondent teacher has not obtained prior permission. The issue is *no longer res integra*.

2. This Court has been consistently concluding that prior permission is not necessary. The Division Bench of this Court in the ***Joint Director of School Education Vs. S.Vasugi in W.A(MD)No.1124***



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of 2023 dated 24.07.2023, after referring the earlier judgments in ***Tamil Rajan Vs. The State of Tamil Nadu Represented by its Secretary Department of School Education, Chennai – 9 in W.P(MD)No.4019 of 2018*** has held that no prior permission is required for obtaining higher qualification. The sole ground on which the request was rejected does not survive. Therefore, we are unable to fault the writ court having allowed the writ petition. The Writ Appeals fail. Accordingly, the same are dismissed. The respondents will grant incentive increment with effect from the date on which the application was made and calculate the benefits and pay the arrears within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S., J.) (R.P., J.)
20.11.2024

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