



W.A(MD)No.2135 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE P.VADAMALAI**

**W.A(MD)No.2135 of 2021
and
C.M.P(MD)No.9988 of 2021**

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

2.The District Educational Officer,
Thoothukudi,
Thoothukudi District.

... Appellants /
Respondents 1 & 2

Vs.

1.M.Kanthimathi

... 1st Respondent /
Writ Petitioner

2.The Secretary,
Smt.P.Thangammal Memorial
Higher Secondary School,
102/5G/Polepettai – 628 002,
Thoothukudi District.

... 2nd Respondent /
3rd Respondent



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 02.03.2021 passed in W.P(MD)No.4076 of 2021.

For Petitioners : Mr.V.Om.Prakash
Government Advocate

For Respondent : Ms.A.Amala
for R.1

No Appearance for R.2

ORDER

The issue relates to grant of incentive increment. The request for incentive increment was rejected on the ground that the first 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 of 2023*** dated 24.07.2023, after referring to 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



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which the request was rejected does not survive. Therefore, we are unable to

fault the writ court for having allowed the writ petition. The Writ Appeal fails.

Accordingly, the same is 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. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [P.V.M., J.]

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NCC : Yes / No

Internet : Yes / No

Index : Yes / No

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