



W.A.(MD)No.1662 of 2024

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

DATED : 27.09.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD)No.1662 of 2024
and
C.M.P(MD)No.13003 of 2024**

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

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

3.The District Educational Officer,
O/o.The District Educational Officer,
Collectorate Complex,
Virudhunagar District.

... Appellants/Respondents 1 to 3

VS.

1. T.Srilatha

..1st Respondent/Writ Petitioner

2.The Secretary,
Mallangnaru Nadarkal,
MSP Senthilkumara Nadar Higher Secondary School,
Mallanginaru,
Virudhunagar District.

... 2nd Respondent/4th Respondent

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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent challenging the order dated 28.07.2022 made in W.P.(MD)No.11673 of 2021.

For Appellant : Mr.S.P.Maharajan
Special Government Pleader

For R1 : Mr.Aswin Rajasimman
Lajapathi Roy Associates

J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, 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 of 2023 dated 24.07.2023**, after referring the earlier judgments in **Tamil Rajan Vs. The State of Tamil Nadu**,



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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 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. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (L.V.G., J.)
27.09.2024

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



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