



W.A(MD)No.2015 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.2015 of 2025
and
C.M.P(MD)No.11623 of 2025**

1.The Director of School Education,
Chennai.

2.The Chief Educational Officer,
Thanjavur District.

3.The District Educational Officer,
Thanjavur,
Thanjavur District.

... Appellants /
Respondents 1 to 3

Vs.

1.M.S.Sivapriya

... 1st Respondent /
Writ Petitioner

2.The Secretary,
Rajah's Higher Secondary School,
Thanjavur.

... 2nd Respondent /
4th Respondent



W.A(MD)No.2015 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 01.04.2024 made in W.P(MD)No.8286 of 2024 on the file of this Court.

For Appellants : Mr.C.Venkatesh Kumar
Special Government Pleader

For Respondents : Mr.V.Panner Selvam for R.1

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The case on hand pertains to the grant of incentive increment for acquiring a higher qualification. The request for such conferment of incentive increment was rejected by the District Educational Officer, Thanjavur vide order dated 09.04.2021 on the ground that prior permission had not been obtained. Challenging the same, W.P(MD)No.8286 of 2024 was filed. The learned single Judge vide order dated 01.04.2024 set aside the order impugned in the writ petition and allowed the writ petition. Challenging the same, the department has filed this Writ Appeal.



W.A(MD)No.2015 of 2025

WEB COPY 3. We are of the view that this Writ Appeal ought not to have been filed.

This is for more than one reason. A catena of decisions had held that acquiring higher qualification without obtaining prior permission is only an irregularity and does not go to the root of the matter. On that ground, conferment of incentive increment should not be denied.

4. In the case on hand, it is too obvious that prior permission was in fact obtained. Even without verifying the records, the department had mechanically filed this Writ Appeal. We censure the department for filing this frivolous Writ Appeal and wasting the time of this Court.

5. This Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
25.07.2025

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



WEB COPY



W.A(MD)No.2015 of 2025

G.R.SWAMINATHAN, J

and

K.RAJASEKAR, J.

MGA

To

The Secretary,
Rajah's Higher Secondary School,
Thanjavur.

W.A(MD)No.2015 of 2025

25.07.2025