



W.A(MD)No.1755 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.07.2025

CORAM

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

W.A(MD)No.1755 of 2025

Mabel Christy Starina

... Appellant /
Petitioner

Vs.

- 1.The Secretary to Government,
Education Department,
State of Tamil Nadu,
Secretariat,
St.Fort George,
Chennai – 9.
- 2.The Director of School Education,
College Road,
Chennai – 6.
- 3.The District Educational Officer,
Thoothukudi District,
Thoothukudi.
- 4.The Correspondent,
T.D.T.A.Good Shepherd High School,
Idayerkadu,
Thoothukudi District.

... Respondents /
Respondents



W.A(MD)No.1755 of 2025

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 08.01.2025 passed in W.P(MD)No.13181 of 2018 on the file of this Court.

For Appellants : Mr.T.A.Ebenezer

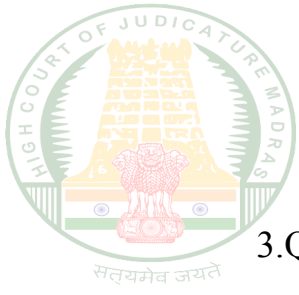
For Respondents : Mr.C.Venkatesh Kumar
Special Government Pleader
for R.1 to R.3

JUDGMENT

(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant herein is working as Secondary Grade Teacher in the fourth respondent School. During her service, she acquired higher qualification and applied for incentive increments. Her request was rejected by the District Educational Officer, Tuticorin only on the ground that prior permission was not obtained for the department for acquiring such higher qualifications. The rejection order passed by the competent authority was upheld by the learned single Judge vide order dated 08.01.2025 made in W.P(MD)No.13181 of 2018. Aggrieved by the same, this Writ Appeal has been filed.



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3. Quiet a few coordinate Division Benches have already held that acquiring higher qualifications while in service without permission is an irregularity that would not justify the authorities in refusing to grant incentive increments to teachers. One such is order dated 24.07.2023 in W.A(MD)No. 1124 of 2023 (The Joint Director of School Education (Higher Secondary), College Road, Chennai - 6 Vs S.Vasugi & another).

4. In this view of the matter, the order of the learned single Judge is set aside. The order impugned in the writ petition is also set aside. The appellant shall be given the incentive increments that are eligible to her.

5. This Writ Appeal is allowed accordingly. There shall be no order as to costs.

[G.R.S., J.] [K.R.S., J.]
01.07.2025

NCC : Yes / No
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