



W.A.(MD)No.1937 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.07.2025

CORAM

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

**W.A.(MD)No.1937 of 2025
and
C.M.P.(MD)No.11027 of 2025**

1.The Director of School Education,
O/o. The Director of School Education,
DPI Compound, College Road,
Chennai.

2.The Chief Educational Officer,
Office of the Chief Educational Office,
Virudhunagar, Virudhunagar District.

3.The District Educational Officer,
O/o. The District Educational Office,
Sivakasi, Virudhunagar District.

... Appellants

Vs.

1.Florence Chandra

2.The Correspondent,
SCMS Girls Higher Secondary School,
Sachiapuram,
Sivakasi,
Virudhunagar District.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.5218 of 2021 dated 11.03.2021 on the file of this Court.

For Appellants : Mr.C.Venkateshkumar,
Spl. Government Pleader.

For Respondents : Mr.J.Jabez Sam Goodley for R1

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The department is on appeal challenging the order dated 11.03.2021 allowing W.P.(MD)No.5218 of 2021 filed by the first respondent herein.

3.The first respondent herein was appointed as B.T.Assistant (Maths) in second respondent school on 20.12.2004. She acquired higher qualification ie., M.A. English in the year 2010. For acquiring this higher qualification, the first respondent sought incentive increment. Her request was rejected on the ground that she did not seek prior



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permission for acquiring the higher qualification. Challenging the rejection order dated 09.05.2016, the first respondent filed W.P.(MD)No.5218 of 2021. The order impugned in the writ petition was set aside and the writ petition was allowed on 11.03.2021. Aggrieved by the same, the department has filed this writ appeal.

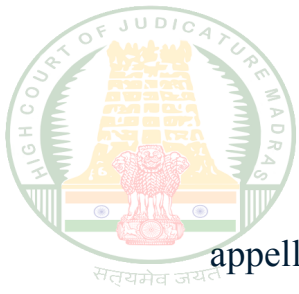
4.It is well settled that for acquiring higher qualification, though one may have to obtain prior permission, failure to obtain prior permission is only an irregularity which would not justify the authorities to refuse to grant incentive increment to the teachers. This issue has been settled vide order 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). However, the learned Special Government Pleader added that the writ petitioner whose basic degree is B.Sc., Maths will be justified in seeking incentive increment if she had acquired higher qualification in the very same subject. Her acquiring higher qualification in M.A. English is of no use in facilitating her to discharge her duties better. It is not going to benefit the students in any way.



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5. Even though the stand of the learned Special Government Pleader finds resonance, in view of the order dated 24.08.2022 rendered by a Coordinate Division Bench in W.A.(MD)No.910 of 2022, we are not able to agree with the same. Besides it runs counter to the policy decision taken by the government. It is true that G.O.(Ms)No.624 Education Department dated 13.07.1992 stipulated a condition that the higher qualification must be in the relevant subject. But this was subsequently amended vide G.O.(Ms)No.234 Education, Science and Technology Department dated 25.04.1995. The government had directed that for the sanction of incentive increment any subject in the higher secondary syllabus would be a relevant subject. Therefore, the case of writ petitioner squarely falls within the scope of G.O.(Ms)No.234 dated 25.04.1995. However, the question that arises is since when the incentive increment has to be accorded. Since the higher qualification was obtained without getting prior permission and since it certainly amounts to an irregularity, the date when intimation was submitted to the department would be the reckoning date. The writ petitioner would be entitled to incentive increment with effect from the said date. The



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appellants are given eight weeks from today ie., 15.07.2025 to comply with the order of the learned Single Judge.

6.In this view of the matter, the order of the learned Single Judge is modified accordingly. The writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (K.R.S. J.)
15.07.2025

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

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