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REV.APLC.(MD)NO.193 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

Rev.Aplc.(MD)No.193 of 2025 in
W.A.(MD)No.822 of 2021 AND
C.M.P.(MD)No.13739 of 2025

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,
Virudhunagar.
3. The District Educational Officer,
Sivakasi Educational District,
Sivakasi,
Virudhunagar District. ... Review Applicants/ Appellants

Vs.

1. U.Subbulakshmi
2. The Secretary,
Sivasubramania Nadar-Guruvammal Girls-
Higher Secondary School,
Thiruthangal,
Virudhunagar District. ... Respondents / Respondents



Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to review the order passed in W.A.(MD)No.822 of 2021 dated 16.04.2021.

For Review applicants : Mr.C.Venkatesh Kumar,
Special Government Pleader.

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J U D G M E N T

The Department has filed this application seeking review of the order dated 16.04.2021 made in W.A.(MD)No.822 of 2021.

2. The writ appeal was filed by the review applicants. The case pertains to grant of incentive increment for the writ petitioner. The ground taken in the review is that the higher qualification was acquired by the writ petitioner without getting prior and proper permission.

3. This issue is no longer *res integra*. The Hon'ble Division Bench vide order dated **27.09.2024 in W.A.(MD)No.1662 of 2024** (***The Director of School Education Vs. T. Srilatha***) had held as follows:-



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“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, 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.”



4. It is true that the earlier scheme has been given up and now only a lump sum is awarded for acquiring higher qualification. But the cause of action in the instant case arose prior to the introduction of the new scheme. Both the grounds are not available to the review applicants. This review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
21st August 2025

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

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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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W.A.(MD)No.822 of 2021

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