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W.A.(MD)No.1933 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A(MD)No.1933 of 2021

P.Chokkappan

... Appellant /
Petitioner

Vs.

1.The Joint Director,
Higher Secondary Education,
Directorate of School Education,
Chennai – 6.

2.The Chief Educational Officer,
Trichy – 620 008,
Trichy District.

3.The District Educational Officer,
Musiri – 621 211,
Trichy District.

4.The Headmaster,
Sengunthar Higher Secondary School,
Thuraiyur – 621 010,
Trichy District.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act pleased to set aside the order dated 08.12.2021 passed in W.P(MD)No.18234 of 2014 on the file of this Court and thereby allow this appeal.



For Appellant : Mr.M.Saravanan

For Respondents : Mr.V.Om Prakash
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2.The appellant is working as a Secondary Grade Teacher in Sengunthar Higher Secondary School, Thuraiyur. When the petitioner entered service, he was having B.Lit qualification. He subsequently acquired B.Ed degree in the year 2012. The petitioner sought one set of incentive increment for acquiring this higher qualification. It was sanctioned vide order dated 04.07.2014 by the third respondent with effect from 29.03.2012. Since higher qualification was acquired without getting prior permission, it was also duly ratified by the third respondent on 15.07.2014. Subsequently, the third respondent on 09.09.2014 cancelled the earlier proceedings issued in favour of the appellant. Challenging the same, the petitioner filed W.P(MD)No.18234 of 2014. It was dismissed on the ground that the writ petitioner did not obtain prior permission for acquiring the qualification through distance education. Challenging the dismissal order dated 08.12.2020, this Writ Appeal has been filed.



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3.The issue raised in this Writ Appeal is no longer res integra.

It has been consistently held that obtaining a prior permission is not necessary. Our attention is drawn to the decision of the Hon'ble 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 to 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. Therefore, the ground on which the writ petition was dismissed cannot stand. The order impugned in this Writ Appeal is set aside.

4.This Writ Appeal is allowed as prayed for. No costs.

[G.R.S., J.] [R.P., J.]
22.01.2025

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



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W.A.(MD)No.1933 of 2021

G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

MGA

To

- 1.The Joint Director,
Higher Secondary Education,
Directorate of School Education,
Chennai – 6.
- 2.The Chief Educational Officer,
Trichy – 620 008,
Trichy District.
- 3.The District Educational Officer,
Musiri – 621 211,
Trichy District.
- 4.The Headmaster,
Sengunthar Higher Secondary School,
Thuraiyur – 621 010,
Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.A(MD)No.1933 of 2021

22.01.2025