



W.A.(MD)Nos.1287, 1474, 1299, 1246, 1221 & 1384 of 2022 & 314 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.11.2025**

CORAM:

THE HONOURABLE **Dr.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)Nos.1287, 1474, 1299, 1246, 1221 & 1384 of 2022 & 314 of
2023 &
C.M.P.(MD)Nos.9977, 9710, 9469, 11855 & 10066 of 2022 & 3542 of
2023

W.A.(MD)No.1287 of 2022

- 1.The Joint Director of School Educational
(Higher Secondary),
College Road,
Chennai - 6.
- 2.The Chief Educational Officer,
Thanjavur,
Thanjavur District.
- 3.The District Educational Officer,
Thanjavur,
Thanjavur District.

...Appellants

/Vs./

- 1.S.Padmapriya,
B.T.Assistant,
Kalyana Sundaram Higher Secondary School,
Thanjavur - 613 009,
Thanjavur District.



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2. The Secretary,
Kalyana Sundaram Higher Secondary School,
Thanjavur - 613 009,
Thanjavur District.

... Respondents

PRAYER:- Writ Appeal - filed under Clause 15 of Letters Patent to set aside the order dated 09.06.2022 in W.P.(MD)No.14016 of 2021 passed by this Court and allow this appeal.

For Appellants : Mr.R.Baskaran,
Additional Advocate General
Assisted by
Mr.J.Ashok,
Additional Government Pleader

For Respondents : No appearance

COMMON JUDGMENT

(Judgment of the Court was delivered by **Dr.ANITA SUMANTH, J.**)

A common order is passed as the issue arising for consideration in the subject writ appeals is one and the same.

2. W.A.(MD)Nos.1287, 1474, 1299, 1246 & 1221 of 2022 have been filed at the instance of the State, and challenge an order passed on 09.06.2022 allowing writ petitions, wherein, the prayer was for quash of the proceedings of the official respondents rejecting incentive increment



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and consequential direction to the respondents to award incentive increment for M.A., M.Phil, M.Ed. and B.Ed. degree respectively obtained by the writ petitioners with effect from the date of passing of the said degree.

3. The basis on which the claim for incentive increment was rejected was that no prior permission had been obtained for the higher qualification. We have dealt with an identical issue in W.A.(MD)No.570 of 2021 and by order dated 14.11.2025, have accepted the stand of the faculty members.

4. The discussion in that order would be apposite to the facts and circumstances of the present case as well and the operative portion thereof reads as follows:

10.The grant of incentive increments is a laudable measure that was put in place by G.O.Ms.42, Education Department dated 10.01.1969, wherein the Government accepted, in principle, that incentive payments and awards should be granted to the teachers in schools who acquire higher educational qualifications. The proposal submitted by the Director of School Education to this effect was accepted and approved. The annexure to the said G.O., clearly indicates that the increments are to be given based on the acquisition of additional qualifications.

11.Thus, as early as in 1969, the State recognised the importance of teachers equipping themselves, as the



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quality of education imparted to students depends heavily on the educational competence of teachers. We must understand and interpret G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989, in this context.

12.G.O.Ms.No.944, dated 29.07.1989, delegates powers to the Heads of various Departments to accord permission in respect of Government servants to join correspondence courses for acquisition of additional qualifications. In that G.O., after examining the request of the Director of School Education, the Government has delegated powers to the Director of School Education to accord such permission, subject to the condition that the acquisition of such qualification would be useful to the school, that there is no dislocation of work in the school concerned and that there is no additional expenditure to the Government.

13.As far as condition (i) is concerned, it states the obvious, as the acquisition of qualification would certainly result in an upswing in the quality of the education provided. The reference to additional expenditure appears to be superfluous as the purpose of the G.O is to reward a studious candidate. On the aspect of dislocation of work in schools, it is the school management who would be best positioned to comment. The school, has, in this case, accepted the entitlement of R1 on all fronts.

14.G.O.Ms.No.944 is a comprehensive order, setting out the delegation of work to educational officers in the District School Administration, both qua Government and unaided schools. The competent authority, as far as Government schools are concerned, for permitting the acquisition of higher educational qualifications is the Chief Educational Officer.

15.As far as unaided schools are concerned, the District Educational Officer is only to approve the permission granted by the Secretary or Correspondent of the concerned high and higher secondary schools to the teaching and non-teaching staff for acquisition of



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additional qualifications. In our view, such approval is a mere formality, as the request of the candidate to study further would no doubt have been scrutinised by the Correspondent/Secretary/School Management and once accepted, must not be second guessed.

16. In D.Beulah Rajaselvi Vs. the District Educational Officer and others [W.A(MD)No.207 of 2024, dated 27.02.2024], useful reference to be made to paragraphs 6 and 7, reading as follows:

6. G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied by the official respondents does not provide for the consequences. The said G.O does not dis-entitle an employee of the incentive increment if the higher qualification is acquired without obtaining prior permission. The G.O only reads about the delegation of the power to the authority to grant permission to join the correspondence course and part time course including Ph.D courses. The consequence is not provided in the said G.O. The G.O does not debar a person from incentive increment upon acquiring higher qualification. The incentive increment is provided on acquiring higher qualification as per G.O.No.42, Education Department, dated 10.01.1969. The said G.O did not lay down any condition of prior permission to acquire higher qualification nor G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied by the official respondents would dis-entitle the appellant of incentive increment. Similar aspects were also considered by the Division Bench in Writ Appeal bearing W.A(MD)No.822 of 2021. In the said writ appeal, the disciplinary proceedings were initiated against the employee therein for not taking permission before acquiring higher qualification. The disciplinary proceedings were set aside.

7. The learned Single Judge in W.P(MD)No.14085 of



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2015 under judgment and order dated 26.11.2020 has observed that G.O.Ms.No.944, Education (D2) Department, dated 29.07.1989 relied by the official respondents is in gross violation of the provisions of the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 and the Rules made thereunder. It has further been observed that under G.O.Ms.No. 101, School Education (Budget-1), dated 18.05.2018, the appointing authority i.e., the School Management is given the power to grant permission for acquiring higher qualification. In the said case, though the permission was not obtained from the authority concerned, the learned Single Judge directed to grant incentive increment.'

17.The above decision has attained finality. The settled position, therefore, is that, in respect of acquisition of higher degrees by faculty in unaided Schools, the State, if at all, only plays a limited, formal role, and subject to fulfilment of other conditions, the approval of the school management would suffice. The noteworthy scheme brought in by the State in 1969 ought not to be diluted by the interpretation now sought to be given by the State.

18.Mr.Ashok, would alternatively state that, without prejudice to his main argument, incentive increments should be granted only from the date of representation by the candidate/school.

19.We disagree, as clearly, the purpose of the grant of incentive increment is for the acquisition of the additional qualification and the benefit should therefore, run from the date when the qualification was acquired. In this case, the relevant qualification was obtained in 2012. Mere delay in submitting a request seeking increment, cannot operate to the detriment of the candidate. Hence, the grant of incentive increments from May 2012 is perfectly justified and in order.

20.In light of the above discussion, we are left in no doubt



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*that the Writ Appeal is liable to be dismissed and do so.
This Writ Appeal is dismissed with no order as to costs.*

5. In light of the position that the discussion as above would apply on all fours to the present case as well, we find no merit in the appeals and W.A.(MD)Nos.1287, 1474, 1299, 1246 & 1221 of 2022 are dismissed.

6. As far as W.A.(MD)No.1384 of 2022 is concerned, the member of faculty is in appeal as against the rejection of his claim.

7. The ratio of order dated 14.11.2025 in W.A.(MD)No.570 of 2021 extracted above would enure to his benefit and hence, W.A.(MD)No.1384 of 2022 is allowed.

8. One of the issues in W.A.(MD)No.314 of 2023 filed by the State relates to the same issue of incentive increment as dealt with above and based on the paragraphs supra, this ground of appeal is rejected.

9. The second ground on which the incentive increment has been rejected in W.A.(MD)No.314 of 2023 is that the candidate had obtained an M.Phil degree through distance education.

10. Mr.R.Baskaran, learned Additional Advocate General assisted by Mr.J.Ashok, learned Additional Government Pleader draws



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our attention to G.O.(Ms)No.91, Higher Education (K2) Department, dated 03.04.2009, which, according to him would militate against the candidate's claim.

11. We disagree. G.O.(Ms)No.91, Higher Education (K2) Department, dated 03.04.2009, reads as follows.

To strengthen this, it was suggested that from the academic year 2007-2008 onwards, M.Phil / Ph.D. programme may not be offered through Distance Education and the same will be offered only in regular courses.

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3. The Government have now examined the matter in detail and hereby declare that the M.Phil and Ph.D. degrees obtained through the Correspondence / Distance Education / Open University System are ineligible for Government appointments and appointment as Lecturers in Colleges / Universities including self-financing colleges.

12. Our reading of the aforesaid Government Order is that the State has taken a policy decision that no appointments would be made in Government Departments or as lecturers in Colleges / Universities including self-financing Colleges, of those candidates who have obtained their M.Phil and Ph.D. degrees through correspondence / distance education / Open University System.



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13. That Government Order, dated 03.04.2009, clearly cannot relate back to a course that has commenced on an anterior date. The appellant in W.A.(MD)No.314 of 2023 has done his M.Phil between 2007 and 2009 and though he had obtained his M.Phil in the month of May 2009, after passing of the aforesaid Government Order, in our considered view, the import of that Government Order would have no relevance or bearing to a course that had commenced in 2007, two years earlier.

14. Hence, this ground of appeal is also rejected. In fine, W.A. (MD)No.314 of 2023 is dismissed.

15. No costs. Consequently, connected Miscellaneous Petitions are closed.

[A.S.M.J.] & [C.K.J.]
18.11.2025

NCC :Yes/No
Index :Yes
Internet :Yes

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Note: Registry is directed to type full cause title,
while issuing this order.



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Dr.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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Order made in
W.A.(MD)Nos.1287, 1474, 1299, 1246,
1221 & 1384 of 2022 & 314 of 2023

Dated:
18.11.2025