



WEB COPY



W.A.No.603 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2026

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE N. SENTHILKUMAR

W.A.No.603 of 2026

1. Government of Tamil Nadu
Rep. By its Secretary
School Education, Fort St. George
Chennai – 600 009.
 2. The Joint Director of School Education
(Vocational Education), Chennai – 6.
 3. The Joint Director of School Education
(Higher Secondary), Chennai – 6.
 4. The Chief Educational Officer
Chennai – 600 015.
 5. The District Educational Officer
Chennai – 600 015.
- .. Appellants

Vs.

1. T.David Manoharan
 2. The Secretary
General Cariappa Higher Secondary School
No.1, Kamaraj Street, Gandhi Nagar
Saligramam, Chennai – 600 093.
- .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P.No.1206 of 2021 dated 21.02.2024.

For the Appellants : Mr.J.C.Durairaj
Additional Government Pleader



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For the Respondents : Mr.P.Ganesan
for R1

Ms.T.Gayathri
for R2

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 21.02.2024 made in W.P.No.1206 of 2021.

2. That the issue before the Writ Court was whether the first respondent/writ petitioner was entitled to get advance incentive increment, having acquired the higher qualification of M.Phil. Degree without getting prior permission from the Management of the School, where he was working as a P.G. Teacher.

3. The issue is no more *res integra* as has been held by the learned Writ Court based on the earlier orders passed in this regard.

4. The learned counsel appearing for the first respondent/writ petitioner has produced a copy of the order made in W.P. (MD)No.482 of 2021 dated 23.01.2024 in the matter of **Director of School Education and Two Others Vs. A.Baskar and Another,**



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wherein, similar issue had been dealt with by the Division Bench,
where, the following orders have been passed:-

"The Education Department has filed this Writ Appeal questioning the order of the learned single Judge whereby incentive increment was granted in favour of the writ petitioner for having acquired higher qualification. The Department had rejected the request in the first instance on the sole ground that prior permission was not obtained before acquiring higher qualifications.

2.The issue raised in this Writ Appeal is no longer res integra. It has been consistently held that obtaining 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, it was held that no prior permission is required for obtaining higher qualification. In this view of the matter, we do not find any merit in this writ appeal.

3.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed."

5. These factors cannot be disputed by the learned Additional Government Pleader appearing for the appellants, as a number of orders have been passed on similar lines. As the Government itself has come forward in the year 2007 to ratify those who secured or obtained their higher qualifications without getting prior permission



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from the Management concerned or the employer concerned, based on which, the advance incentive increment to be given to the Teachers concerned cannot be denied was the view taken by the Government also. Therefore, since the present case also falls in the same orbit, there was every justification on the part of the learned Writ Court in allowing the writ petition, hence, we do not find any reason to interfere with the order impugned.

6. As a result, the writ appeal fails and hence, it is liable to be dismissed, accordingly, it is dismissed. However, there shall be no order as to costs. The learned Additional Government Pleader wants twelve weeks' time to comply with the orders passed by the Writ Court, which is impugned herein. Recording the same, three months' time is granted to comply the order of the Writ Court. Till such time, no coercive steps shall be taken pursuant to the order impugned. Consequently, C.M.P.No.5705 of 2026 is closed.

(R.S.K., J.) (N.S., J)
03.03.2026

Speaking Order/Non-Speaking Order
Neutral Citation:Yes/No
Internet:Yes/No
Index:Yes/No



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To:

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R. SURESH KUMAR, J.
AND
N. SENTHILKUMAR, J.

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