



W.A.(MD)No.450 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A(MD)No.450 of 2021

and

C.M.P(MD)No.1807 of 2021

1.The District Educational Officer,
Sivakasi Educational District,
Sivakasi,
Virudhunagar District.

2.The Block Educational Officer,
Vembakkottai,
Virudhunagar District.

... Appellants /
Respondents 1 & 2

Vs.

1.S.Pushpavathy,
D/o.K.Shamugaiah,
Secondary Grade Teacher,
Nadar Mahamai Primary School,
Elayirampannai,
Virudhunagar District.

... 1st Respondent /
Writ Petitioner

2.The Secretary,
Nadar Mahamai Primary School,
Elayirampannai,
Virudhunagar District.

... 2nd Respondent /
3rd Respondent



W.A.(MD)No.450 of 2021

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 10.12.2020 passed in W.P(MD)No.18126 of 2020.

For Appellants : Mr.T.Amjad Khan
Government Advocate

For Respondents : Mr.T.Pooventhera Rajan
for R.1

No Appearance for R.2

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

The issue relates to grant of incentive increment. The request for incentive increment was rejected on the ground that the first respondent teacher has not obtained prior permission. The issue is no longer res integra.

2.This Court has been consistently holding 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



W.A.(MD)No.450 of 2021

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.

[G.R.S., J.] [R.K.M, J.]
21.01.2026

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

To

The Secretary,
Nadar Mahamai Primary School,
Elayirampennai,
Virudhunagar District.



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W.A.(MD)No.450 of 2021

G.R.SWAMINATHAN,J.

AND

R.KALAIMATHI, J.

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W.A(MD)No.450 of 2021

21.01.2026