



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM

WEB COPY

THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.19913 of 2016

E.Maria Poorana Sony

... Petitioner

-vs-

1.The District Educational Officer,
Tuticorin District.

2.The Correspondent,
St.Antony's Higher Secondary School,
Palayakayal, Tuticoroin.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to release yearly increments earned leave surrender maternity leave salary for the period from 29.10.2015 to 20.04.2016 and incentive increments for M.A.Higher qualification and other attendant benefits.

For Petitioner	: Mr.V.Panneer Selvam
For R - 1	: Mr.M.Murugan
	Government Advocate
For R - 2	: No appearance

O R D E R

This Writ Petition has been filed seeking a direction to the respondents to release yearly increments, earned leave surrender, maternity leave salary for the period from 29.10.2015 to 20.04.2016 and incentive increments for M.A.Higher qualification and other attendant benefits.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate, who takes notice for the first respondent. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was appointed as B.T.Assistant in the second respondent school, which is a minority institution. Her appointment was approved by an order dated 20.09.2012 with a condition to pass Teachers Eligibility Test within 5 years from



the date of her appointment. While so, the first respondent has cancelled the order of approval dated 20.09.2012. Challenging the same, the petitioner has filed WP(MD)No.19303 of 2013, in which, interim stay has been granted. In the mean time, the petitioner has passed Teachers Eligibility Test. Therefore, she made a request to the first respondent to release yearly increments, incentive increments, other monetary benefits and also maternity leave salary. But the first respondent has returned the same on the ground of pending WP(MD)No.19303 of 2013.

4.The Principal Bench of this Court has disposed of WP(MD) No.19303 of 2013, declaring that Teachers Eligibility Test is not applicable to the minority institution. Therefore, the second respondent has forwarded the proposal dated 16.09.2016 to the first respondent and the same is pending.

5.The grievance of the petitioner is that as the petitioner has passed Teachers Eligibility Test as per the condition imposed by the first respondent, there is no impediment to release the maternity leave salary and other monetary benefits as mentioned above.

6.The learned Government Advocate appearing for the first respondent would submit that the first respondent will consider the proposal dated 16.09.2016 within the time frame to be fixed by this Court.

7.Accordingly, the first respondent is directed to consider the proposal dated 16.09.2016 and to pass orders within a period of four weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

The District Educational Officer,
Tuticorin District.

+1 cc to M/s.V.Panneer Selvam, Advocate in SR.No. 61879

+1 cc to The Special Government Pleader in SR.No. 62339

mj

CSL/PV/15.11.2016: 2P/4C