



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.2906 of 2018

and

W.M.P (MD) Nos.3078 and 3079 of 2018

Arul Thai Suganthi

... Petitioner

Vs.

1.District Educational Officer,
Cheranmahadevi,
at Tirunelveli,
Tirunelveli District.

2.The Correspondent,
K.A.M.P. Meeraniya Higher Secondary School
Kalakkad,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 1st respondent in Na.Ka.No.3555/B4/2017 dated 09.10.2017 and quash the same as illegal and consequently direct the respondents to refund petitioners earn leave benefits for the sum of Rupees 21,526/- (7662 + 13864) further direct the respondents to disburse all service and monetary benefits including yearly increment earn leave etc. from the date of appointment (ie.02.01.2002)

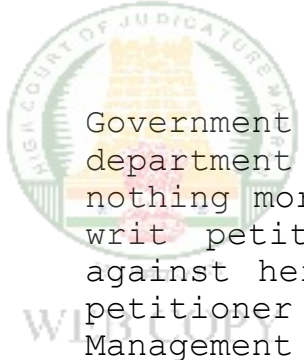
For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.K.Saravanan G.A., for R1
Mr.K.K.Kannan for R2

O R D E R

The petitioner is working as BT Assistant in the second respondent school. The Second respondent is a minority institution. Therefore, the question of the petitioner requiring to acquire TET will not arise.

2. It appears that the Department has taken a stand that since the petitioner is not having TET qualification, she cannot be given service benefits. According to the written instruction given to the



Government Advocate appearing for the first respondent, all that the department would do in such cases is to release the salary alone and nothing more. This obviously cannot be correct. The fact that the writ petitioner is not having TET qualification cannot be put against her for depriving her of the other service benefits. The petitioner is permitted to lodge a formal application before the Management in this regard.

3.The learned counsel appearing for the Management undertakes to forward the same to the Department. As already pointed out, the first respondent will not deny the benefits due to the petitioner on the ground of not having cleared the TET examination. The order of rejection is quashed.

4.This writ petition is allowed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

District Educational Officer,
Cheranmahadevi,
at Tirunelveli,
Tirunelveli District.

+1cc to Mr.S.Chellapandian, Advocate, SR.No.55229.

+1cc to Special Government Pleader, SR.No.55639.

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RAM/RSK SKN/SAR 3/23.05.2018/2P/4C