



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.03.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)Nos.4856 & 4857 of 2019**W.P(MD)No.4856 of 2019**

J.Jebasingh Charles
BT Assistant (Science),
Schaffter Higher Secondary School,
Tirunelveli Town,
Tirunelveli,
Tirunelveli District.

... Petitioner

vs.

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer,
Tirunelveli, Tirunelveli District.
- 3.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli Town,Tirunelveli,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to award annual increments, incentive, surrender leave benefits and other attended benefits to the petitioner from the date of petitioner appointment as BT Assistant (Science) in the third respondent's school w.e.f. 16.07.2012 with all attendant benefits including pay fixation and allowance.

W.P(MD)No.4857 of 2019

R.Princess
BT Assistant (Science),
Mary Sargent Higher Secondary School for Girls,
Palayamkottai,
Tirunelveli District.

... Petitioner

vs.

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.



2.The District Educational Officer,
Tirunelveli, Tirunelveli District.

3.The Correspondent,

Mary Sargent Higher Secondary School for Girls
Palayamkottai, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to award annual increments to the petitioner from the date of petitioner's appointment as BT Assistant (Science) in the third respondent's school w.e.f. 15.11.2011 with all attendant benefits including pay fixation and allowance.

(In both W.Ps)

For Petitioner : Mr.T.Pon Ramkumar

For Respondents : Mrs.S.Srimathy
Special Government Pleader

COMMON ORDER

Both the writ petitions are filed by the petitioners seeking a direction to the respondents to award annual increments to the petitioners from the date of their appointment as BT Assistant (Science) in the third respondent's school w.e.f. 16.07.2012 and 15.11.2011 respectively with all attendant benefits including pay fixation and allowance.

2. Heard the learned Counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The case of the petitioners is that they were appointed as BT Assistants in the third respondent's school. However, their appointment have not been approved by the second respondent on the ground that they have not passed TET examination. According to the petitioners, the Hon'ble Division Bench of this Court in Secretary to Government of Tamil Nadu, Education Department Vs. Jeyalakshmi, reported in 2016(5) CTC 639, held that TET is not applicable to the teachers working in minority institutions. Following the same, the second respondent released salary. However, the respondents herein have not awarded annual increment and other attendant benefits. Hence, the petitioners have made representations on 05.06.2017 to the second respondent. Since no action is forthcoming, the petitioners are before this Court by filing these writ petitions.

4. The learned Counsel appearing for the petitioners submitted that a similar issue has already been decided by this Court in W.P.(MD)No.16428 of 2018, dated 26.07.2018. Hence, he prays for appropriate orders.



5. The learned Special Government Pleader appearing for the respondents submitted that the representations of the petitioners would be considered by the respondents on merits and in accordance with law within a time frame as fixed by this Court.

6. Considering the nature of the relief as sought for by the petitioners, without going into the merits of the case, the second respondent is directed to consider the representations of the petitioners, dated 05.06.2017 and pass appropriate orders on merits and in accordance with law and also in line with the order passed by this Court in W.P.(MD)No.16428 of 2018, dated 26.07.2018, after affording an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petitions are disposed of with the above direction. No costs.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer,
Tirunelveli, Tirunelveli District.
- 3.The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli Town, Tirunelveli,
Tirunelveli District.
- 4.The Correspondent,
Mary Sargent Higher Secondary School for Girls
Palayamkottai,
Tirunelveli District.

+2CC TO Mr.T.Pon Ramkumar, Advocate, Sr No.55879
+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.56244

W.P(MD)Nos.4856 & 4857 of 2019
22.03.2019

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