



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:25.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.8251 & 8252 of 2019
and
W.M.P(MD)No.6476 of 2019

W.P(MD)No.8251 of 2019

K.Solomon Jeyaraj

... Petitioner

Vs.

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

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

3.The Correspondent,
St.John's Higher Secondary School,
Palayamkottai, Tirunelveli District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to impugned order in O.Mu.No.195/A4/2018 dated 23.01.2019 of the 2nd respondent herein and quash the same and consequently directing the respondents herein to award annual increments, incentive, surrender leave benefits and other attended benefits to the petitioner from the date of petitioner's appointment as BT Assistant (History) in the 3rd respondent's school w.e.f. 18.10.2012 with all attendant benefits including pay fixation and allowance.

W.P(MD)No.8252 of 2019

Helen Samraj

... Petitioner

Vs.

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

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



3.The Correspondent,
Sara Tucker Girls Higher Secondary School,
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, incentive, surrender leave benefits and other attendant benefits to the petitioner from the date of petitioner's appointment as BT Assistant (History) in the 3rd respondent's school w.e.f. 20.07.2012 with all attendant benefits including pay fixation and allowance.

For Petitioners : Mr.T.Ponramkumar

For R1 & R2 : Mrs.S.Srimathy
Special Government Pleader
in both writ petitions.

COMMON ORDER

Challenging the impugned order of the second respondent dated 23.01.2019 and also seeking a direction to the respondents to disburse annual increment, incentive, surrender leave benefits etc., to the petitioner from the date of his appointment as BT Assistant (History) in the 3rd respondent school with all attendant benefits, WP(MD)No.8251 of 2019 has been filed. Likewise, Seeking a direction to the respondents to disburse annual increments, incentive, surrender leave benefits etc., to the petitioner from the date of her appointment as BT Assistant (History) in the 3rd respondent's school with all attendant benefits, W.P(MD)No.8252 of 2019 has been filed.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader for the respondents 1 and 2. In view of the nature of order going to be passed hereunder, no notice is required to the third respondent in both the writ petitions.

3.The learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 and 2 submitted that in similar circumstances, this Court, by order, dated 26.07.2018 in W.P(MD)No.16428 of 2018, at paragraph Nos.7 and 8 held as follows:-

"7.In this case also, the petitioner was appointed in the fourth respondent School, which is admittedly a recognised minority aided School. The appointment also has been made within the sanctioned strength and the petitioner claimed that, he is having every qualification to hold the post. When that being the position, as no other reason has



been given in the impugned order, except the reason of TET qualification, that too, citing the reason that, no guidelines given by the first respondent/Director to the lower level approving authorities to approve such appointment without TET qualification, this Court is of the firm view that the impugned order cannot be sustained and it is liable to be quashed.

8. In the result:-

(i) the impugned order is quashed and the Writ Petition is allowed;

(ii) the matter is remitted back to the respondents, especially, the second respondent, who shall pass necessary orders with regard to the grant of approval to the petitioner's appointment, as no other impediment has been cited in the impugned order, except the guidelines to be issued by the Director for making approval of the Teachers, who have been appointed in the minority aided School without TET qualification;

(iii) Such orders of approval shall be passed within a period of four weeks from the date of receipt of a copy of this order; and

(iv) It is needless to mention that, once the approval is given, the petitioner is entitled to get all service and monetary benefits, as per the eligibility and the same shall also be paid to the petitioner forthwith."

Hence, the learned counsel prayed for a similar order in these writ petitions as well.

4. Considering the facts and circumstances of the case and also having regard to the submissions made on either side and also following the above order passed by this Court in similar issue, the impugned order passed by the second respondent dated 23.01.2019 is set aside and the matters are remitted back to the respondents, especially, the second respondent, who shall consider the claim of the petitioners with regard to disbursement of all service and monetary benefits as per their eligibility and pay the same to the petitioners forthwith, since their appointments have already been approved by the second respondent.

5. The writ petitions are disposed of accordingly. No costs. Consequently, WMP(MD)No.6476 of 2019 is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)



To

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

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

3.The Correspondent,
St.John's Higher Secondary School,
Palayamkottai, Tirunelveli District.

4. The Correspondent,
Sara Tucker Girls Higher Secondary School,
Palayamkottai, Tirunelveli District.

+2 CC to Mr.T.PON RAMKUMAR, Advocate SR-62398.

+1 CC to SPL GP SR-62954.

W.P(MD) Nos.8251 & 8252 of 2019
25.04.2019

CS: (14/06/2019) 4P 8C