



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) Nos.20194, 20201, 20208 and 20211 of 2019

and

W.M.P. (MD) No.16750 of 2019

in

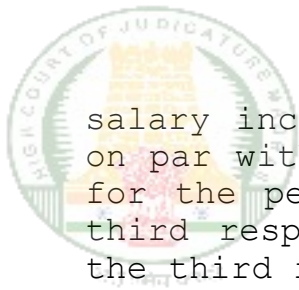
W.P. (MD) No.20201 of 2019

Gnanasundari	...	Petitioner in W.P. (MD) No.20194 of 2019
Arockia Mary	...	Petitioner in W.P. (MD) No.20201 of 2019
Sharmila Banu	...	Petitioner in W.P. (MD) No.20208 of 2019
Jansirani	...	Petitioner in W.P. (MD) No.20211 of 2019

-Vs-

- 1.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District. ... 1st Respondent
in W.P. (MD) Nos.20194,
20201 & 20211 of 2019
- 2.The Block Educational Officer,
Keezhapavoor, Tirunelveli District.
- 3.The Correspondent,
R.C.Primary School,
Kandamangalam, Pulichikulam,
Tenkasi Taluk, Tirunelveli District. ... Respondents 2 and 3
in W.P. (MD) Nos.20194 & 20211 of 2019
- 2.The Block Educational Officer,
Vasudevanallur, Tirunelveli District.
- 3.The Correspondent,
R.C.Primary School,
Chinthamani, Puliyankudi,
Tirunelveli District. ... Respondents 2 and 3
in W.P. (MD) No.20201 of 2019
- 1.The District Educational Officer,
Tenkasi, Tirunelveli District.
- 2.The Correspondent,
St. Michael Girls Higher Secondary School,
Tenkasi, Tirunelveli District. ... Respondents
in W.P. (MD) No.20208 of 2019

PRAYER in W.P. (MD) No.20194 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to approve permitted



salary increment per year from 04.10.2012 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for the post of Secondary Grade Teacher in the third respondent school by considering the written requisition of the third respondent dated 06.07.2019 within a time frame.

PRAYER in W.P. (MD) No.20201 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the second respondent in his proceedings in Na.Ka.No.793/A1/2019, dated 02.08.2019 and quash the same as illegal, consequently, direct the respondents 1 and 2 to approve permitted salary increment per year from 01.01.2014 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for the post of Secondary Grade Teacher in the third respondent school by considering the written requisition of the third respondent dated 30.07.2019 within a time frame.

PRAYER in W.P. (MD) No.20208 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent 1 to approve permitted salary increment per year from 29.02.2016 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for the post of B.T. Assistant (Maths) in the second respondent school by considering the written requisition of the second respondent dated 24.02.2018 within a time frame.

PRAYER in W.P. (MD) No.20211 of 2019: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to approve permitted salary increment per year from 10.01.2012 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for the post of Secondary Grade Teacher in the third respondent school by considering the written requisition of the third respondent dated 06.07.2019 within a time frame.

For Petitioner	: Mr.D.Venkatesh (in all Writ Petitions)
For Respondents R1 & R2	: Mr.A.Thiagarajan, Government Advocate. (in W.P. (MD) No.20194 of 2019)
For Respondents R1 & R2	: Mr.M.Karuppasamy, Government Advocate. (in W.P. (MD) Nos.20201 & 20211 of 2019)
For R1	: Mr.A.Thiagarajan, Government Advocate. (in W.P. (MD) No.20208 of 2019)



COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

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2. Heard Mr.D.Venkatesh, learned counsel appearing on behalf of the petitioners and Mr.A.Thiagarajan, learned Government Advocate and Mr.M.Karuppasamy, learned Government Advocate, who takes notice on behalf of the official respondents. Since no adverse order is going to be passed against the private respondent school, notice to the private respondent school is dispensed with.

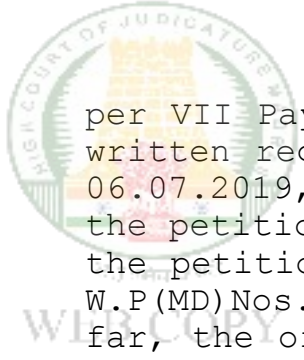
3. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4. W.P. (MD) Nos.20194, 20208 and 20211 are filed for a direction to the official respondents to approve permitted salary increment per year from the year 2012 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioners for the post of Secondary Grade Teacher and B.T. Assistant (Maths) in the private respondent school, by considering the written requisition of the private respondent school, dated 06.07.2019, 24.02.2018 and 06.07.2019, within a time frame.

5. The order of the second respondent dated 02.08.2019 is sought to be quashed in W.P. (MD) No.20201 of 2019 and further direction sought for is to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for the post of Secondary Grade Teacher in the private respondent school, by considering the written requisition of the private respondent school dated 30.07.2019.

6. According to the petitioners, they are working as Secondary Grade Teacher in the private respondent School and the said School is a minority institution and getting Government aid for the sanctioned post. After appointment of the petitioners, the private respondent school sent proposals, dated 06.07.2019, 24.02.2018 and 06.07.2019 to the official respondents for approving the salary increment of the petitioners from the year 2012 and arrears. The official respondents did not pass any order on the proposals on the ground that the petitioners did not pass Teachers Eligibility Test.

7. The learned counsel appearing for the petitioners submitted that insofar as the Writ Petition in W.P. (MD) No.20201 of 2019 is concerned, the second respondent has returned the proposal sent by the third respondent school, stating that the petitioner did not possess TET qualification. TET is not applicable for the minority institution and the official respondents have to approve the permitted salary increment to the petitioners from the year 2012 as



per VII Pay Commission. The private respondent school has also sent written requisition to the official respondents with proposal dated 06.07.2019, 24.02.2018 and 06.07.2019 along with service register of the petitioners, by making relevant entries. The learned counsel for the petitioners has also relied on the orders of this Court made in W.P(MD) Nos.3681, 3682, 3683 and 3684 of 2018, dated 26.03.2018. So far, the official respondents have not passed any order, hence, the petitioners have filed the present Writ Petitions.

8. Considering the nature of the relief sought for in the Writ Petitions, the official respondents are directed to consider the written representations of the private respondent school, dated 06.07.2019, 24.02.2018 and 06.07.2019, taking into account the orders of this Court made in W.P(MD) Nos.3681, 3682, 3683 and 3684 of 2018, dated 26.03.2018, and pass orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order. The order of the second respondent, dated 02.08.2019, impugned in W.P. (MD) No.20201 of 2019, is quashed. The official respondents are directed to consider the proposal already sent by the third respondent school, dated 02.08.2019 afresh and pass orders thereon, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

Myr

To

1. The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
Tenkasi, Tirunelveli District.
3. The Block Educational Officer,
Keezhapavoor, Tirunelveli District.



4. The Block Educational Officer,
Vasudevanallur, Tirunelveli District.

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+4CC TO MR.D.VENKATESH, Advocate Sr. No. 88435 TO 88438
+1CC TO THE SPECIAL GOVERNMENT PLEADER
SR.No. 88345, 88319, 88320, 88399

W.P. (MD) Nos. 20194, 20201,
20208 and 20211 of 2019
19.09.2019

GKG (CO)
TR(11.10.2019) 5P 10C