



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.20040 of 2019

G.Anthonysamy

... Petitioner

vs.

1.The District Educational Officer,
O/o.The District Educational Office,
Sankarankovil,
Tirunelveli District.

2.The Block Educational Officer,
O/o.The Block Educational Office,
Kuruvikulam, Tirunelveli District.

3.The Correspondent,
R.C.Schools,
Chidambarapuram,
Kuruvikulam (via),
Tirunelveli District - 627 754.

... Respondents

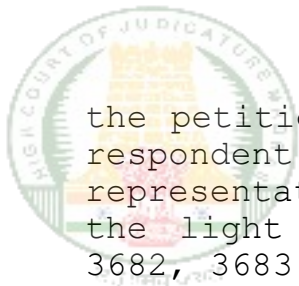
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to approve permitted salary increment per year from 11.07.2012 to 01.07.2017 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for the petitioner for his post of Secondary Grade Teacher in the third respondent School within the time frame by considering the written representation of the third respondent dated 05.08.2019 and also in the light of the order passed by this Court in W.P(MD)Nos.3681, 3682, 3683 and 3684 of 2018, dated 26.03.2018.

For Petitioner : Mr.K.Sankar

For RR 1 & 2 : Mr.A.Thiyagarajan
Government Advocate.

ORDER

This writ petition is filed seeking for a Writ of Mandamus, to direct the first respondent to approve permitted salary increment per year from 11.07.2012 to 01.07.2017 and to re-fix the salary on par with VII Pay Commission on the basis of the above increments for



the petitioner for his post of Secondary Grade Teacher in the third respondent School within the time frame by considering the written representation of the third respondent dated 05.08.2019 and also in the light of the order passed by this Court in W.P(MD)Nos.3681, 3682, 3683 and 3684 of 2018, dated 26.03.2018.

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2. Mr.A.Thiyagarajan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2. In view of the limited scope of the relief sought for in the present writ petition by the petitioner and no adverse order is going to be passed in the present writ petition against the third respondent, notice to the third respondent is dispensed with.

3. By consent of both parties, the main Writ Petition is taken up for final disposal at the stage of admission itself.

4. According to the petitioner, he is working as a Secondary Grade Teacher in the third respondent School and the said School is a minority institution and getting Government aid for the sanctioned post. After appointment of the petitioner, the third respondent sent a proposal dated 05.08.2019 to the respondents 1 and 2 for approving the salary increment of the petitioner from 11.07.2012 to 01.07.2017 and arrears. The respondents 1 and 2 did not pass any order on the proposal on the ground that the petitioner did not pass Teachers Eligibility Test.

5. The learned counsel appearing for the petitioner submitted that TET is not applicable for the minority institution and the respondents 1 and 2 have to approve the permitted salary increment to the petitioner from the year 2012 as per VII Pay Commission. The third respondent has also sent a written requisition to the respondents 1 and 2 with a proposal dated 05.08.2019 along with service register of the petitioner by making relevant entries. The learned counsel petitioner 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 respondents 1 and 2 have not passed any order, the petitioner has filed the present Writ Petition.

6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and 2.

7. Considering the nature of the relief of the sought for in the Writ Petition, the respondents 1 and 2 are directed to consider the written representation of the third respondent, dated 05.08.2019, 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.



8. With the above direction, the writ petition is disposed of.
No costs.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar(CS)

ps

To

1.The District Educational Officer,
O/o.The District Educational Office,
Sankarankovil,
Tirunelveli District.

2.The Block Educational Officer,
O/o.The Block Educational Office,
Kuruvikulam,
Tirunelveli District.

+1 CC to Mr.K.SANKAR, Advocate SR-87404.
+1 CC to SPL GP SR-87966.

W.P (MD) No.20040 of 2019
18.09.2019

CS (04.10.2019) 3P 5C