



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P.(MD) Nos.20749 and 20750 of 2019

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Mariammal ... Petitioner in W.P.(MD)No.20749 of 2019
Lusia ... Petitioner in W.P.(MD)No.20750 of 2019

-Vs-

1. The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
2. The Block Educational Officer,
Tenkasi, Tirunelveli District. ... Respondents 1 & 2
in both petitions
3. The Correspondent,
R.C.Primary School,
Tenkasi , Tenkasi Taluk
Tirunelveli District. ... 3rd respondent
in W.P.(MD)No.20749 of 2019
4. The Correspondent,
R.C.Primary School,
Vallam, Senkottai Taluk
Tirunelveli District. ... 3rd respondent
in W.P.(MD)No.20750 of 2019

PRAYER in W.P.(MD)No.20749 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 15.06.2011 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 01.08.2019 within a time frame.

PRAYER in W.P.(MD)No.20750 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 16.02.2013 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 03.08.2019 within a time frame.

For Petitioner : Mr.D.Venkatesh
(in both Writ Petitions)



For R1 & R2 : Mr.M.Karuppasamy,
: Government Advocate.
(in both Writ Petitions)

COMMON ORDER

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These Writ petitions have been filed for a direction to the official respondents to approve permitted salary increment per year from the year 2011 and 2013 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 Teachers in the private respondent school, by considering the written requisition of the private respondent school, dated 01.08.2019 and 03.08.2019 respectively, within a time frame.

2.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.

3.Mr.M.Karuppasamy, learned Government Advocate takes notice for the respondents 1 and 2. By consent of parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

4.According to the petitioners, they are working as Secondary Grade Teachers 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 01.08.2018 and 03.08.2019 to the official respondents, for approving the salary increment of the petitioners from 15.06.2011 and 16.02.2013 and arrears, respectively. The official respondents did not pass any order on the proposals on the ground that the petitioners did not pass Teachers Eligibility Test.

5. The learned counsel for the petitioners submitted that TET is not applicable to the minority institution and the official respondents have to approve the permitted salary increment to the petitioners from the year 2011 and 2013 as per VII Pay Commission. The private respondent school has also sent written requisition to the official respondents with proposal dated 01.08.2019 and 03.08.2019 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.3221, 3227, 3235 and 3251 of 2018, dated 16.03.2018. So far, the official respondents have not passed any order, hence, the petitioners have filed the present Writ Petitions.

6.Heard Mr.D.Venkatesh, learned counsel appearing on behalf of the petitioners and Mr.M.Karuppasamy, learned Government Advocate, appearing for the official respondents.



7.Considering the nature of the relief of the sought for in the Writ Petitions, the official respondents are directed to consider the written representations of the private respondent school, dated 01.08.2019 and 03.08.2019 afresh, taking into account the orders of this Court made in W.P(MD)Nos.3221, 3227, 3235 and 3251 of 2018, dated 16.03.2018, 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 Petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

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

+2 CC to Mr.D.VENKATESH, Advocate SR-90012,90011
+1 CC to Spl.GP., SR-90238,90239

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msa

MK (25.10.2019) 3P 6C