



WEB COPY

W.P (MD) NO. 454 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2020

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH**

W.P (MD) NO. 454 OF 2020

and

W.M.P (MD) No. 344 of 2020

The Correspondent,  
Amali Girls Higher Secondary School,  
Irudayakulam,  
Vickramasingapuram,  
Tirunelveli District.

:Petitioner

.vs.

- 1.The State of Tamil Nadu,  
represented by its Secretary,  
Department of School Education,  
Fort.St.George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 009.
- 3.The Chief Educational Officer,  
Tirunelveli,  
Tirunelveli District.
- 4.The District Educational Officer,  
Cheranmahadevi,  
Tirunelveli District.

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the fourth respondent/The District Educational officer in Na.Ka.No.5651/A1/19, dated ...12.2019, quash the same and further to direct the respondents herein to approve forthwith the appointment of Sr.A.Maria Mallika as B.T.Assistant Science in the Petitioner's school from the date of her appointment I.e., 15.06.2016 and to release forthwith the annual increments and another allowances towards her salary.

For Petitioner : Mr.A.Amala

For Respondents : Mr.A.Thiagarajan  
Govt.Advocate



**O R D E R**

In the present writ petition, the petitioner challenges the rejection of the claim seeking for yearly increment and other service and monetary benefits from the date of one Sr.A.Maria Mallika's appointment, who is working in the petitioner's School.

2. The ground raised by the respondents is that it is mandatory for such Teachers to pass the Teachers Eligibility Test for consideration of such service and monetary benefits. In support of such contention, the learned Government Advocate would rely upon the Government Order authorizing the National Council for Teachers Education as the academic authority, laid down the minimum qualifications and their guidelines that such teachers should have passed the Teacher Eligibility Test as one of the minimum qualifications for holding the post of Teacher.

3. The issue involved in the present writ petition pertains to Teachers who hail from Non-Minority School.

4. The only issue involved in the present writ petition is as to whether the Teacher Eligibility Test (TET) qualification for the Teachers is a mandatory condition for consideration of disbursement of the yearly increment as well as other monetary and service benefits.

5. After the verdict of the Hon'ble Apex Court, the Division Bench of this Court in the case of **Secretary to Government, Government of Tamil Nadu, Educational Department, Fort St. George, Chennai Vs., S.Jeyalakshmi** reported in (2016) 5 CTC 639 has held that the provisions of the RTE Act, insofar as the minority Aided School are concerned, are inapplicable and therefore, the Teachers employed in such minority schools need not pass the TET qualifications for being eligible for service and monetary benefits. The said order of the Division Bench has become final.

6. It is also stated by the learned counsel for the petitioner that the respondents have implemented the requests made by similarly placed Teachers of the minority institutions in some of the cases. One such order passed by this Court, which came to be implemented by the respondents is in the case of **Director of School Education and two others Vs., John Wesley and others** dated 27.11.2019.

7. In view of the same, the impugned order dated ....12.2019 in Na.Ka.No.5651/A1/19 stands quashed and consequently, the respondents are directed to disburse the service and monetary benefits and medical leave salary to one Sr.A.Maria Mallika within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands allowed. No costs.



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Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

vsn

To

- 1.The Secretary,  
Government of Tamil Nadu,  
Department of School Education,  
Fort.St.George,  
Chennai - 600 009.
- 2.The Director of School Education,  
College Road,  
Chennai - 600 009.
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Tirunelveli District.
- 4.The District Educational Officer,  
Cheranmahadevi,  
Tirunelveli District.

+1 CC to M/s.A.AMALA, Advocate ( SR-5591[F] dated 11/02/2020 )

+1 CC to M/s.SPL GP ( SR-5580[F] dated 11/02/2020 )

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**and**

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AP(18.03.2020) 3P 7C