



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.4446 of 2020

and

W.M.P (MD) .No.3732 of 2020

WEB COPY

U.Anitha Thereasal

... Petitioner

vs.

1.The Director of School Education
College Road, Chennai 600 006

2.The Chief Educational Officer
Ramnad, Ramnad District

3.The District Educational Officer
Mandapam, Ramnad District

4.St.Joseph's Higher Secondary School
Verkkottu, Rameswaram
Ramnad District 623 526
Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the second respondent, Chief Educational Officer to release forthwith annual increment admissible to the petitioner in the post of B.T.Assistant (Mathus) w.e.f. 01.04.2013, with all attendant benefits including the arrears of salary thereon.

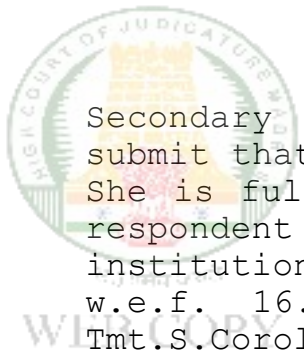
For Petitioner	:	Mr.K.Prabhu
For Respondents	:	Mr.A.Thiyagarajan Government Advocate

O R D E R

This Writ petition has been filed for a direction to the second respondent, Chief Educational Officer to release forthwith annual increment admissible to the petitioner in the post of B.T.Assistant (Maths) w.e.f. 01.04.2013, with all attendant benefits including the arrears of salary thereon.

2.Mr.A.Thiyagarajan, learned Government Advocate, takes notice for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, she is working as B.T Assistant (Maths) in the fourth respondent School, namely, St.Joseph Higher



Secondary School. The learned counsel for the petitioner would submit that the petitioner possess B.Sc., M.Sc., and B.Ed., degrees. She is fully eligible to be appointed as B.T.Assistant. The fourth respondent School is a recognised and aided minority educational institution where one post of B.T.Assistant in Maths fell vacant w.e.f. 16.06.2011 due to the transfer of the then incumbent Tmt.S.Corolin Jesitha on 15.06.2011. In that vacancy, the fourth respondent School appointed the petitioner as B.T.Assistant (Maths) on 16.06.2011 and the petitioner joined duty on the same day itself and continue to work till date. Thereafter, the fourth respondent submitted proposal to the third respondent requesting to approve the appointment of the petitioner as B.T.Assistant (Maths) w.e.f 31.05.2011 and disburse grant-in-aid towards her salary. The third respondent vide his proceedings in Pa.Mu.No.7046/Aa3/2011 dated 00.12.2011 approved the petitioner's appointment w.e.f. 16.06.2011 and released grant-in-aid towards the salary and also sanctioned the annual increment on 01.04.2012. After that, the fourth respondent School submitted a proposal to the third respondent on 17.09.2012, requesting to grant incentive increment for Higher Qualification. Later, the third respondent vide his proceedings in Mu.Mu.No.5511/Aa3/2012, dated 00.09.2012, released the increment for M.Sc.Higher Qualification and also mentioned that the next increment dated on 01.04.2013.

4.The grievance of the petitioner is that the annual increment admissible to the petitioner was not released for the subsequent years. Hence, the fourth respondent School requested the third respondent to release the annual increment. But, so far, no action has been taken. Therefore, the fourth respondent School submitted a representation to the third respondent on 23.12.2016 requesting him to release the annual increment admissible to the petitioner from 01.04.2013 to 10.04.2016. In these circumstances, the third respondent returned the representation submitted by the fourth respondent School and instructed the School to resubmit the representation with any Government order to release the increment. Thereafter, the fourth respondent School immediately resubmitted the representation on 04.01.2017 attached with the order of this Court. Since no action has been taken, the petitioner submitted a representation to the second respondent on 31.05.2018, requesting to issue the annual increment for remaining six years. The second respondent inturn forwarded the same to the third respondent to verify the representation, dated 31.05.2018 and to submit the report. Subsequently, the third respondent by his order dated 21.01.2019 instructed the fourth respondent School to submit certain details about TET Examination. As the petitioner did not possess TET, the Director has instructed to release the salary alone and hence, no approval for releasing the annual increment. Thereafter, the fourth respondent School approached the third respondent in person and explained the reason and the petitioner made a representation to the second respondent on 30.10.2019 through proper channel, but so far, no action has been taken. Hence the petitioner



5.Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents.

6.The learned counsel for the petitioner would rely on the order of this Court in W.P(MD).No.1187 of 2020, dated 22.01.2020 where TET is not necessary for minority institution. Considering the facts and circumstances of the case and also considering the submission made by the learned counsel for the petitioner, the respondents are directed to dispose the representation of the petitioner, dated 30.10.2019 and consider the proposal sent by the fourth respondent School for releasing annual increment of the petitioner based on the order passed by this Court in W.P(MD). No.1187 of 2020, dated 22.01.2020 and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

msa
To:-

1.The Director of School Education
College Road, Chennai 600 006

2.The Chief Educational Officer
Ramnad, Ramnad District

3.The District Educational Officer
Mandapam, Ramnad District

+1 CC to Mr.K.PRABHU, Advocate (SR-9463[F] dated 02/03/2020)

+1 CC to SPL.GP (SR-9783[F] dated 03/03/2020)

W.P. (MD) No.4446 of 2020

02.03.2020

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