



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.08.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P.(MD) No.9590 of 2020
(Through Video conferencing)

R.Kuthalam

...Petitioner

-Vs-

1.The State of Tamil Nadu,
rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 09.

2.The Director of School Education,
Directorate of School Education,
Chennai - 06.

3.The Chief Education Officer,
Chief Educational Office,
Tenkasi, Tirunelveli District.

4.The District Education Officer,
District Educational Office,
Tenkasi, Tirunelveli District.

5.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

6.The Secretary,
Ramaswamy Pillai Higher Secondary School,
Ilanji, Tenkasi, Tirunelveli District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, to direct the 3rd respondent herein to consider the petitioner representation dated 10.07.2020 and disburse the annual increment promotional benefits and all other monetary benefits from 01.07.2014 onwards without insisting to undergo TET examination by taking note of the appointment on 14.07.2011, prior to the issuance of the G.O.(MD) No.181 School Education dated 15.11.2011 within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mrs.S.Srimathy, Spl.G.P. for RR1-4



ORDER

The prayer sought for herein is for a writ of Mandamus, to direct the 3rd respondent herein to consider the petitioner's representation dated 10.07.2020 and disburse the annual increment, promotional benefits and all other monetary benefits from 01.07.2014 onwards without insisting to undergo TET examination.

2.Heard Mr.S.Vashik Ali, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 4.

3.The petitioner was appointed as Graduate Teacher at Ramasamy Pillai Higher Secondary School, Ilanji by order dated 14.07.2011 of the District Educational Officer of Tenkasi. Subsequently, the petitioner had been given service benefits including annual increment for the year 2012 and 2013. When that being so, from 01.07.2014, annual increment due payable to the petitioner has been withheld and the same has not been paid.

4.When the petitioner enquired, it was revealed that, since the petitioner has not qualified with TET qualification, the annual increment of the petitioner has been withheld.

5.In this context, the learned counsel appearing for the petitioner would submit that, since the petitioner had been appointed on 14.07.2011 and only thereafter, the insistment of TET qualification for a teacher to be appointed, has come into effect while the notification issued by NCTE and in this regard, when similarly placed persons approached this Court, a number of orders have been passed taken into account the cut off date fixed by the NCTE for insisting the TET qualification as an essential qualification to be considered for appointment to the post of Teacher and in view of the same, the petitioner's request for annual increment shall be considered and the same has to be given from 2014 onwards. In this regard, the learned counsel appearing for the petitioner would submit that, the petitioner has given representation on 10.07.2020. Therefore, if the said representation is directed to be considered and an order to that effect is passed on merits and in accordance with law, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

6.Heard the learned Special Government Pleader appearing for the respondents 1 to 4, who would submit that, in the light of the orders passed in this regard by this Court earlier on the very same issue and by considering the request of the petitioner, the respondents would decide the issue on merits and in accordance with law and accordingly, an order to that effect would be passed within a time frame to be stipulated by this Court.



7.Considering the said submission made by both sides, having regard to the factual matrix of this case, this Court is inclined to dispose of this writ petition with the following direction:

"The respondents. Especially, the 2nd respondent is hereby directed to consider the request of the petitioner dated 10.07.2020 and pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

8.With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 09.
- 2.The Director of School Education,
Directorate of School Education,
Chennai - 06.
- 3.The Chief Education Officer,
Chief Educational Office,
Tenkasi, Tirunelveli District.
- 4.The District Education Officer,
District Educational Office,
Tenkasi, Tirunelveli District.

+1 CC to Mr.D. NALLATHAMBI, Advocate (SR-14451[F] dated 19/08/2020)
+1 CC to SPL GP (SR-14507[F] dated 20/08/2020)

Order made in

W.P. (MD)No.9590 of 2020

19.08.2020