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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12389 of 2020 and

W.M.P. (MD) No.10595 of 2020

(Through Video Conferencing)

Hairathul Jamalia Higher Secondary School
Represented by its Correspondent
C.A.Sadique Basha,
Paramakudi
Ramanathapuram District.

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by its Secretary to Government
Department of School Education,
Fort St. George, Chennai.

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

3.The Chief Educational Officer,
Chief Educational Office
Ramnad District.

4.The District Educational officer,
District Educational Office,
Paramakudi, Ramnad District

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to release the increment from the year 01.04.2014 to the Teacher namely, Mrs.K.Ummuameena, B.T.Assistant (Tamil) and continue to pay the increment for the subsequent years.

For Petitioners :Mr.K.Vadivelu

For Respondents :Mr.M.Thilagar

Government Advocate

ORDER

The prayer in the writ petition is for issuance of a Writ of Mandamus to direct the respondents to release the increment from the year 01.04.2014 to the Teacher namely, Mrs.K.Ummuameena, B.T.Assistant (Tamil) and continue to pay the increment for the subsequent years.

2. The petitioner is a recognized minority School getting aid from the Government. In that school, in the post called

<https://hcservices.ecourts.gov.in/hcservices/>



B.T.Assistant (Tamil), one Mumtaj Beevi was working and she retired on superannuation on 31.05.2011. Therefore, the post become vacant, where one T.Ummuameena was appointed on 15.06.2011 and the said appointment also was approved by the respondents, ie., the fourth respondent vide his proceedings dated 27.07.2011.

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3. When that being so, only for the year 2012-13, the annual increment allowable to the Teacher have been allowed by the respondents. However, from 01.04.2014, the annual increment payable to the Teacher has not been sanctioned or approved. In this regard, the petitioner School has given a request cum proposal on 28.08.2020. However, the same has not so far been decided by the fourth respondent. Therefore, the petitioner has moved this writ petition with the aforesaid prayer.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. The learned Government Advocate would submit that, since the Teacher's appointment having been approved by the fourth respondent by proceedings dated 27.07.2011, whether the annual increment payable to the concerned Teacher of the petitioner School from 01.04.2014 has been sanctioned or allowed or not would be verified and accordingly, the proposal sent by the petitioner's School dated 28.08.2020 would be considered and necessary orders to that effect would be passed within a time frame that may be fixed by this Court.

6. Considering the said submissions made by both sides and in view of the limited scope of the prayer sought for herein, this Court is inclined to dispose of this writ petition with the following order:

"That the respondents, especially, the fourth respondent is hereby directed to consider the proposal sent by the petitioner School dated 28.08.2020 with regard to the sanctioning of annual increment to the Teacher, namely, Ummuameena, B.T. Assistant (Tamil) appointed on 15.06.2011 at the petitioner School and accordingly, pass necessary orders on the said proposal of the petitioner School within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

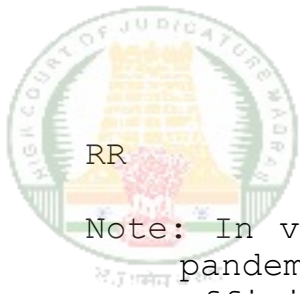
Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



RR

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 Secretary to Government, State of Tamil Nadu
Department of School Education,
Fort St. George, Chennai.
- 2.The Director of School Education,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Chief Educational Office
Ramnad District.
- 4.The District Educational officer,
District Educational Office,
Paramakudi, Ramnad District.

+1cc to Special Government Pleader, Sr.No.17885
+1cc to Mr.K.Vadivelu, Advocate Sr.No.17916

W.P. (MD)No.12389 of 2020

23.09.2020

MJ (CO)

NR (08/01/2020) 3P : 7C