



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2020

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12492 of 2020

and

W.M.P (MD) .Nos.10686 and 10669 of 2020

The Correspondent,
Sacred Heart Higher Secondary School
Panagudi 627 109
Tirunelveli District.

...Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Rep., by its Secretary,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Valliyoar 627 007
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent District Educational Officer in O.Mu.No.3344/A2/2019, dated07.2020, quash the same and further direct the respondents herein to approve forthwith the appointment of C.Gnana Sekar as BT Assistant Science in the petitioner's school from the date of appointment i.e., 07.06.2017 and disburse annual increments and other allowances towards his salary w.e.f the said date.

For Petitioner : Ms.A.Amala
For Respondents : Mr.A.Thiyagarajan
Government Advocate



any interference from this Court.

8.I have considered the said submissions made by the learned counsel on both sides and perused the materials placed before this Court.

9.As has been rightly pointed out by the learned counsel appearing for the petitioner, the reason of want of TET qualification of the Teacher appointed in a Recognized Minority School for refusing or rejecting the claim of annual increment is unsustainable one, in view of the law having been declared by this Court in number of cases.

10.In this context, I had an occasion to consider the writ petition in W.P(MD).No.9216 of 2020, wherein by order dated 13.08.2020, I have considered all those aspects and the earlier order passed by this Court and ultimately, allowed the writ petition with the following order:

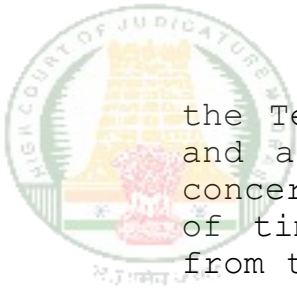
14. In view of the settled legal position, this Court has no hesitation to hold that the impugned order cannot be sustainable, therefore, it is liable to be quashed.

15. In the result, the impugned order is quashed and the matter is remitted back to the respondents, especially, the second respondent, who shall reconsider the issue and pass necessary orders for sanctioning the annual increment payable to these petitioners/teachers and accordingly calculate the same and be disbursed the arrears and continue to pay the increment as part of their service benefits. The aforesaid exercise shall be undertaken by the respondents, especially, by the second respondent, within a period of eight weeks from the date of receipt of a copy of this order.

16. With these directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

11.In view of the said order, which was passed following number of earlier order passed in this regard, where, if a Teacher without TET qualification is appointed in a Minority School, it cannot stand in the way for the Teacher concerned to claim the service benefits. This Court, following the earlier orders, is inclined to pass the following order in this writ petition:

"that the impugned order for the reasons stated therein, cannot be sustained. Therefore, it is quashed and the matter is remitted back to the respondents, especially, the fourth respondent for reconsideration. While reconsidering the same, the fourth respondent shall pass order allowing the annual increment payable to



the Teacher concerned as per the request of the petitioner and accordingly, the pay benefits payable to the Teacher concerned also be calculated and paid at the earliest point of time, preferably, within a period of eight (8) weeks from the date of receipt of a copy of this order."

WEB COPY

12.With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(CS-III)

/True copy/

Sub Assistant Registrar(CS-)

To

- 1.The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai 600 009.
- 2.The Director of School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Valliyoor 627 007
Tirunelveli District.

+1 CC To M/s.Amala, Advocate in SR.No.17939

W.P. (MD) No.12492 of 2020
24.09.2020

rmk
PK/18.01.2021 : 4P/6C