



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2020**

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.13203 of 2020

and

W.M.P (MD)Nos.11059 & 11060 of 2020

WEB COPY

A.Janet

...Petitioner

-Vs-

1.The Government of Tamil Nadu,
Rep. by the Additional Chief Secretary,
Department of School Education,
Fort St. George, Madras-600 009.

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

3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thirunelveli District.

4.The District Educational Officer,
The Office of the District Educational Officer,
Cheranmadevi,
Thirunelveli District.

5.The Correspondent,
St. Joseph's Higher Secondary School,
Koottapuly-627 127,
Thirunelveli District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings, dated 19.02.2020 in Na.Ka.No.252/AA3/2020, on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to allow the increment and incentive for the petitioner, Mrs.A.Janet, as B.T.Assistant (History) in St.Joseph's Higher Secondary School, Koottapuly-627 127, Thirunelveli District, w.e.f.10.09.2012 with all service benefits.

For Petitioner	: Mr.Anwar Sameem for M/s.Father Xavier Associates
For R1 to R4	: Mrs.S.Srimathy Special Government Pleader



ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings, dated 19.02.2020 in Na.Ka.No.252/AA3/2020, on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to allow the increment and incentive for the petitioner, Mrs.A.Janet, as B.T.Assistant (History) in St.Joseph's Higher Secondary School, Koottapully-627 127, Thirunelveli District, w.e.f.10.09.2012 with all service benefits.

2. The petitioner was appointed at the fifth respondent School as Graduate Teacher from 10.09.2012 and the said appointment has also been approved by the Official respondents. However, subsequently, the annual increment payable to the petitioner since has not been paid, he seems to have made a request through the School and the said request has been turned down through the impugned order, dated 19.02.2020, where, the fourth respondent has stated the reasons for returning or rejecting the proposal seeking annual increment that, the petitioner has not qualified with TET and therefore, she is not entitled to get increment and there is no Government Order to that effect to get increment for the teachers even though got approved their appointment, however, without TET qualification, hence the same can be submitted along with the resubmitted proposals. Challenging the said order, the present writ petition has been filed.

3. I have heard Mr.Anwar Sameem, learned counsel appearing for the petitioner and Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents. In view of the order going to be passed in this writ petition, notice to the fifth respondent is dispensed with.

4. The issue as to whether the TET qualification is a must for the teacher, who is appointed in minority School for the purpose of allowing the annual increment, even though, such appointment was approved by the Official respondents, has already been considered in number of cases, where this Court has passed orders that, the said reason for want of TET, cannot stand in the way for teacher, whose appointment has already been approved by the authorities, for sanctioning the annual increment, for which, the teacher is entitled to. In view of the same, this Court feels that the impugned order cannot be sustained and this position is not controverted by the learned Special Government Pleader appearing for the respondents 1 to 4 also.

5. In that view of the matter, this Court is inclined to dispose of this writ petition, with the following direction:



"that the impugned order dated 19.02.2020, passed by the fourth respondent is quashed and the matter is remitted back to the respondents, especially, the fourth respondent for reconsidering the same, without insisting TET qualification, the request of the petitioner to be forwarded to the fifth respondent for getting the annual increment and necessary orders to be passed sanctioning such annual increment. The needful as indicated above shall be undertaken by the respondents, especially, the fourth respondent, within a period of eight (8) weeks from the date of receipt of a copy of this order. "

6. With this direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Additional Chief Secretary,
Department of School Education,
Fort St. George, Madras-600 009.
2. The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thirunelveli District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Cheranmadevi,
Thirunelveli District.

+1cc to M/s.Father Xavier Associates, Sr.No.18626
+1cc to SPL GP SR.No.18951

Order made in

W.P. (MD) No.13203 of 2020

01.10.2020

VB (07.01.2021) 3P 7C

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