



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.16708 of 2020

and

W.M.P(MD) Nos.13956 and 13958 of 2020

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J.Henry Rajkumar
BT Assistant in English
St Josephs High School
Vaikalipatty, Tenkasi District.

... Petitioner

Vs.

- 1.The State of Tamilnadu,
Rep by its Secretary,
Department of School Education,
Fort St. George, Chennai-09.
- 2.The Director of School Education,
College Road, Chennai-06.
- 3.The Chief Educational Officer,
Tenkasi District at Tenkasi.
- 4.The District Educational Officer,
Tenkasi, Tenkasi District.
- 5.The Correspondent,
St.Arulanandar High School,
Agarakattu, Tenkasi District.
- 6.The Correspondent,
St.Josephs High School
Vaikalipatty, Tenkasi District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the fourth respondent District Educational Officer in A.Thi.Mu.No.1069/A2/13 dated ...04.2013 (signed on 07.05.2013) quash the same and further direct the respondents 1 to 4 to sanction Incentive Increment for acquiring M.A. in English w.e.f 26.09.2011 and M.Phil Degree w.e.f 01.05.2014 and monetary benefits attached to the post of BT Assistant viz., Annual Increments, Earned Leave Arrears etc including the re-fixation of salary towards VIIth Pay Commission on par with similarly placed persons.



For Petitioner

: Mr.S.Xavier Rajini

For R-1 to R-4

: Mr.N.Shanmugaselvam

Additional Government Pleader

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O R D E R

This writ petition has been filed to quash the impugned proceedings issued by the fourth respondent/District Educational Officer in A.Thi.Mu.No.1069/A2/13 dated ...04.2013 (signed on 07.05.2013) and further to direct the respondents 1 to 4 to sanction Incentive Increment for acquiring M.A. in English w.e.f 26.09.2011 and M.Phil Degree w.e.f 01.05.2014 and monetary benefits attached to the post of BT Assistant viz., Annual Increments, Earned Leave Arrears etc including the re-fixation of salary towards VIIth pay Commission on par with similarly placed persons.

2.It is the case of the petitioner that he was appointed as BT Assistant in English on 26.09.2011 i.e., before the introduction of Teachers Eligibility Test (TET) vide G.O.Ms.No.181 dated 15.11.2011. Accordingly, it is not necessary to pass the Teachers Eligibility Test (TET) in so far as the petitioner is concerned. The Hon'ble Supreme Court has held that passing of Teachers Eligibility Test (TET) is not mandatory in so far as the teachers working in the Minority Educational Institutions vide Judgment reported in (2014) 4 MLJ 486 (SC). Therefore, the petitioner is entitled to get incentive increment for acquiring M.A in English w.e.f 01.05.2014, annual increments, earned leave arrears etc on par with similarly placed persons. In this regard, the petitioner made representations to the respondents 3 and 4 on 17.03.2015, 17.07.2016, 25.11.2018 and 18.03.2020. However, no order has been passed based on the representations of the petitioner. If the said representations are directed to be disposed of within stipulated time, the ends of justice could be secured.

3.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that while in the process of disposing of the representation, they have sought for certain particulars from the school with regard to completion of TET.

4.In reply, the learned counsel appearing for the petitioner would submit that it is not necessary to pass the Teachers Eligibility Test (TET) as far as the petitioner is concerned, who is working in the minority education institution, as held by the Hon'ble Supreme Court.

5.In view of the submission made by the learned counsel appearing on either side, this Court directs the third respondent to dispose of the petitioner's representations dated 17.03.2015, 17.07.2016, 25.11.2018 and 18.03.2020 within a period of eight weeks



from the date of receipt of a copy of this order on merits and in accordance with law, by keeping in mind the aforesaid judgment of the Hon'ble Supreme Court and the exemption granted to the minority institutions with regard to the completion of TET and the petitioner's appointed was well before the cut off date for the qualifying examination of TET.

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

Sd/-

Assistant Registrar (CS-I)

// 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 Secretary,
State of Tamilnadu,
Department of School Education,
Fort St. George, Chennai-09.
2. The Director of School Education,
College Road, Chennai-06.
3. The Chief Educational Officer,
Tenkasi District at Tenkasi.
4. The District Educational Officer,
Tenkasi, Tenkasi District.

+1 CC to M/s. S. XAVIER RAJANI, Advocate (SR-22865[F] dated 26/11/2020)

W.P. [MD] No. 16708 of 2020
and W.M.P (MD) Nos. 13956 and 13958 of 2020
24.11.2020

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TR (15.12.2020) 3P 6C