



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :20.11.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.16478 of 2020

and

W.M.P. (MD) Nos.13777 & 13778 of 2020

S.Kannan

...Petitioner

Vs

- 1.The Principal Secretary,
Department of School Education,
Secretariat,
Fort St.George,
Chennai 600 009.
- 2.The Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Chennai -6.
- 3.The Chief Educational Officer,
Virudhunagar District,
Virudhunagar.
- 4.The District Educational Officer,
District Educational Office,
Srivilliputtur, Virudhunagar District.
- 5.The Secretary,
G.S.Hindu Higher Secondary School,
Srivilliputtur,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as Graduate Teacher (Science) in the 5th respondent school and to sanction his eligible incentives for having acquired the PG Qualification during 2002.

For Petitioner : Mr.T.Lajapathi Roy

For R1 to R4 : Mr.N.Shanmugaselvam

Additional Government Pleader



ORDER

This Writ Petition has been filed to direct the respondents to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as Graduate Teacher (Science) in the 5th respondent school and to sanction his eligible incentives for having the acquired PG Qualification during 2002.

2.By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner was appointed as Graduate Teacher (Science) in the 5th respondent school, vide order dated 06.05.2011 issued by the 5th respondent. Though the petitioner is eligible for incentive increments, he was not paid with incentive increments citing the reason that he had not yet passed the Teacher Eligibility Test (TET) conducted with the guidelines framed by the National Council for Teacher Education (NCTE). He would further submit that according to consequent upon the amendment notified by the National Council for Teacher Education, the teachers, who were appointed prior to 29.07.2011 need not pass TET.

4.The learned counsel would further submit that since the petitioner joined into service on 15.06.2011 itself, he ought not to be insisted for qualifying with passing of TET and that his eligible incentive increments for having acquired P.G. Degree ought not to have been withheld by the respondents. Hence, the petitioner has made representations dated 06.02.2020 and 29.02.2020 to the respondents narrating his grievances. However, no action has been taken by the respondents to redress the grievances of the petitioner. Hence, the petitioner is before this Court for the relief stated supra.

5.Mr.N.Shanmugaselvam, learned Additional Government Pleader appearing for the respondents 1 to 4 would fairly submit that the petitioner's representations dated 06.02.2020 and 29.02.2020 will be disposed of on merits and in accordance with law, within a period of eight weeks.

6.Taking into consideration of the submission made by the learned Additional Government Pleader and in view of the lapse on the part of the respondents on considering the petitioner's representations, this Court is inclined to pass the following directions:-

the 3rd respondent is directed to consider the petitioner's representations dated 06.02.2020 and 29.02.2020 and pass appropriate orders on merits and in accordance with law, 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 stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (Writs)

// 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,
Department of School Education,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The Director of School Education,
Directorate of School Education,
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4. The District Educational Officer,
District Educational Office,
Srivilliputtur, Virudhunagar District.

+1 CC to SPL GP (SR-22514[F] dated 23/11/2020)
+1 CC to Mr. T. LAJAPATHI ROY, Advocate (SR-22483[F] dated 23/11/2020)

W.P. (MD) No.16478 of 2020

20.11.2020

VB (04.12.2020) 3P 7C