



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.12.2020

CORAM:

**THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P. [MD]No.17852 of 2020

and

W.M.P(MD) Nos.14888 and 14890 of 2020

Sahayarani Girls Higher Secondary School,  
Rep by its Correspondent,  
Soosaiyapparpattinam,  
Kalayarkovil,  
Sivagangai District.

... Petitioner

Vs.

1.The Director of School Education,  
(Higher Secondary),  
Chennai-6.

2.The Chief Educational Officer,  
Sivagangai, Sivagangai District.

3.The District Educational Officer,  
Devakottai,  
Sivagangai District.

... Respondents

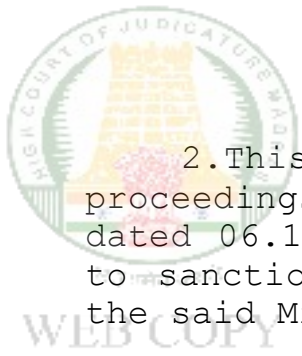
PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings of the third respondent in A.Thi.Mu.No.3703/Aa1/2020 dated 06.11.2020 and quash the same and consequently direct the third respondent to sanction the annual increment with all attended benefits, to the said Mr.O.Muthukkumar BT Assistant (History) from 01.04.2013.

For Petitioner : Mr.R.Devaraj

For Respondents : Mr.N.Shanmugaselvam  
Additional Government Pleader

**O R D E R**

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



2.This Writ Petition has been filed to quash the impugned proceedings of the third respondent in A.Thi.Mu.No.3703/Aa1/2020 dated 06.11.2020 and consequently, to direct the third respondent to sanction the annual increment with all attended benefits, to the said Mr.O.Muthukkumar BT Assistant (History) from 01.04.2013.

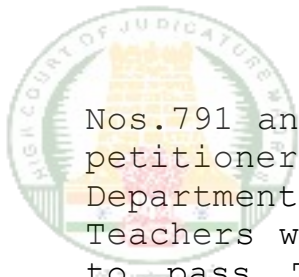
3.The learned counsel for the petitioner would submit that as per the order passed by this Court dated 24.08.2016 in W.ANos.213 and 572 of 2016 etc., the petitioner school sent a proposal to the third respondent to approve the appointment of one Mr.O.Muthukkumar BT Assistant (History), by its proceedings dated 09.02.2017 and the third respondent by his proceedings dated 13.03.2017 has approved the appointment with effect from 05.06.2012. Thereafter, the respondents have not given annual increment to the said Mr.O.Muthukkumar, BT Assistant (History) right from 01.04.2013. Hence, the petitioner school sent a proposal to the third respondent by its proceedings dated 05.10.2020. The third respondent by his impugned proceedings dated 06.11.2020, returned the said proposal stating that the said Mr.O.Muthukkumar, BT Assistant (History) has not completed the Teacher Eligibility Test(TET) and as such he is not considered for annual increment.

4.The learned counsel appearing for the petitioner would further submit that the petitioner school is the minority institution and passing of Teacher Eligibility Test is not necessary in respect of the Teachers employed in minority institution. In this regard, he refers to the judgment of this Court in W.A(MD) Nos.791 and 794 to 796 of 2020, dated 09.09.2020 and would submit that the third respondent wrongly refused to grant annual increment as if that G.O.Ms.No.181 dated 15.11.2011 is applicable. Hence, the present writ petition has been filed challenging the order dated 06.11.2020 passed by the third respondent.

5.The learned Additional Government Pleader appearing for the respondents would fairly submit that he has already gone through the judgment referred by the petitioner. In case, if the Court passes any order to reconsider the proposal sent by the petitioner School in the light of the order passed by this Court in W.A(MD) Nos.791 and 794 to 796 of 2020, dated 09.09.2020, the same will be considered on merits and in accordance with law.

6.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

7.On perusal of the order passed by this Court in W.A(MD) <https://hcservices.ecourts.gov.in/hcservices/>



Nos.791 and 794 to 796 of 2020, dated 09.09.2020, furnished by the petitioner, it appears that G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, will not be applicable for the Teachers who are working in the minority institutions and need not to pass Teacher Eligibility Test(TET ). Therefore, the third respondent cannot refuse the proposal sent by the petitioner School stating that the said Mr.O.Muthukkumar, BT Assistant (History) has not completed the TET examination.

8.In view of the above, this Writ Petition is allowed and the impugned order passed by the third respondent in A.Thi.Mu.No.3703/Aa1/2020 dated 06.11.2020 is set aside and the matter is remanded back to the third respondent for fresh consideration in the light of the order passed by this Court W.A (MD) No.791 and 794 to 796 of 2020, dated 09.09.2020. The petitioner is directed to file all the documents before the third respondent within a period two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall reconsider the proposal sent by the petitioner School dated 05.10.2020 and to provide the annual increment to Mr.O.Muthukkumar, BT Assistant (History), within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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 Director of School Education,  
(Higher Secondary),

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



2.The Chief Educational Officer,  
Sivagangai, Sivagangai District.

3.The District Educational Officer,  
Devakottai,  
Sivagangai District.

+1 cc to Mr.R.Devaraj , Advocate SR.No.25877

W.P.[MD]No.17852 of 2020  
15.12.2020

KM (24.02.2021) 4P 5C