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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.18168 of 2020

E.Victor Albert ... Petitioner

Vs.

1. The Joint Director,
   School Education,
   (Secondary Grade Education),
   Directorate of School Education,
   College Road, Chennai-600 006.

2. The Chief Educational Officer,
   O/o. the Chief Educational Officer,
   Thoothukudi,
   Thoothukudi District.

3. The District Educational Officer,
   O/o. the District Educational Officer,
   Thoothukudi Educational District,
   Pudukottai, Thoothukudi,
   Thoothukudi District.

4. The Block Educational Officer,
   O/o. Block Educational Officer,
   Theppakulam Street,
   Siruvaigundam Range (BEO),
   Thoothukudi District. ... Respondents

PRAYER : This Writ Petition filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the third respondent to provide Annual Increment, Incentive Increment, Earned leave benefits, surrender of available leave, etc., by considering the petitioner's representation dated 23.11.2020 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis
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.

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2.This Writ Petition has been filed to direct the third respondent to provide Annual Increment, Incentive Increment, Earned leave benefits, surrender of available leave and etc., by considering the petitioner's representation dated 23.11.2020 within the time stipulated by this Court.

3.The learned counsel appearing for the petitioner would submit that the petitioner was joined service as BT Assistant (History) on 03.04.2012 at TNDTA Middle School, Kovankaddu and her appointment was approved by the third respondent vide his proceedings in Na.Ka.No.928/A4/2017 dated 21.11.2017. Thereafter, the petitioner was given regular monthly scale of pay and his service benefits like annual increments, incentive increments, earned leave benefits surrender of available leave, etc., were not provided to him. Hence, the petitioner gave a representation to the fourth respondent through the Correspondent on 24.10.2020. However, the fourth respondent has not passed any order till date. Hence, without any other options, the petitioner approached this Court by way of this writ petition for appropriate relief.

4.The learned Additional Government Pleader appearing for the respondents would submit that the petitioner has not qualified the Teachers Eligibility Test. Therefore, the petitioner is not entitled to get the annual increments, incentive increments etc.,

5.In reply, the learned counsel appearing for the petitioner would submit that there is no need for completing Teacher Eligibility Test as prescribed in G.O.Ms.No.181, dated 15.11.2011. The issue in this writ petition has already been settled by this Court in a number of judgments. Therefore, the issue is no more *res integra.*

6.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 representation, dated 23.11.2020 within a period of eight weeks from the date of receipt of a copy of this order on merits and in accordance with law.

7.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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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.

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To:-

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+1 CC to the SPL GP SR-25163.
+1 CC to M/s.S.LOUIS, Advocate SR-24937.

W.P.[MD]No.18168 of 2020
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