



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P. (MD) No.20203 of 2018

Anna Boys Higher Secondary School,
rep., by its Correspondent,
A.Kumar Pandian

... Petitioner

/vs./

1.The Director of School Education,
DPI Compound, College Road, Chennai.

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

3.The District Educational Officer,
Tenkasi, Tirunelveli District.

4.The Block Educational Officer,
Keelapavur, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order passed by the fourth respondent in O.Mu.No.1091/M1/2018 dated 20.08.2018 quash the same and consequently direct the respondents to approve the petitioner's leave post appointment proposal dated 30.05.2018 as secondary grade Teacher at petitioner school and give all other service and monetary benefit for her 267 days service (from 03.07.2017 to 27.03.2018).

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.M.Karuppasamy

Government Advocate

ORDER

In the present writ petition, the petitioner challenges the rejection of the claim seeking for yearly increment and other service and monetary benefits from the date of one Lakshmi's appointment, who is working in the petitioner's School.

2. The ground raised by the respondents in their counter affidavit is that it is mandatory for such Teachers to pass the Teachers Eligibility Test for consideration of such service and monetary benefits. In support of such contention, the learned Government Advocate would rely upon the Government Order authorizing the National Council for Teachers Education as the academic authority, laid down the minimum qualifications and their guidelines that such teachers should have passed the Teacher Eligibility Test



as one of the minimum qualifications for holding the post of Teacher.

3. The issue involved in the present writ petition pertains to Teachers who hail from Minority School.

4. The only issue involved in the present writ petition is as to whether the Teacher Eligibility Test (TET) qualification for the Teachers is a mandatory condition for consideration of disbursement of the yearly increment as well as other monetary and service benefits.

5. After the verdict of the Hon'ble Apex Court, the Division Bench of this Court in the case of **Secretary to Government, Government of Tamil Nadu, Educational Department, Fort St. George, Chennai Vs., S.Jeyalakshmi** reported in (2016) 5 CTC 639 has held that the provisions of the RTE Act, insofar as the minority Aided School are concerned, are inapplicable and therefore, the Teachers employed in such minority schools, need not pass the TET qualifications for being eligible for service and monetary benefits. The said order of the Division Bench has become final.

6. It is also stated by the learned counsel for the petitioner that the respondents have implemented the requests made by similarly placed Teachers of the minority institutions in some of the cases. One such order passed by this Court, which came to be implemented by the respondents is in the case of **Director of School Education and two others Vs., John Wesley and others** dated 27.11.2019.

7. In view of the same, the impugned order dated 20.08.2018 in O.Mu.No.1091/M1/2018 stands quashed and consequently, the respondents are directed to disburse the service and monetary benefits and medical leave salary to one Lakshmi within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, this Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

rmk

To:

1. The Director of School Education,
DPI Compound, College Road, Chennai.



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

3.The District Educational Officer,
Tenkasi, Tirunelveli District.

4.The Block Educational Officer,
Keelapavur, Tirunelveli District.

+1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-4875[F] dated 05/02/2020

Order made in
W.P.(MD) No.20203 of 2018
Dated:05.02.2020

SMA/16/03/2020/3P/6C