



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.12.2020
CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P.[MD]No.19339 of 2020

and

W.M.P(MD) Nos.16141 and 16145 of 2020

WEB COPY

St.John's Girls Higher Secondary School,
Rep by its Correspondent,
Velimuthu Vilakku,
Arul Nagar, Devakottai-630 302,
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.2834/Aa3/2020 dated 05.11.2020 and quash the same and consequently direct the third respondent to sanction the annual increment with all attended benefits, to the said Sr.G.Stella Mary, BT Assistant (Tamil) from 01.07.2014.

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.2834/Aa3/2020 dated 05.11.2020 and consequently, to direct the third respondent to sanction the annual increment with all attended benefits, to the said Sr.G.Stella Mary, BT Assistant (Tamil) from 01.07.2014.



3.The learned counsel appearing for the petitioner would submit that the petitioner School appointed one Sr.G.Stella Mary, by its proceeding dated 13.06.2013 as Secondary Grade Teacher and her appointment was approved by the third respondent on 19.10.2017 with effect from 14.06.2013. The third respondent has not given annual increment to the said Sr.G.Stella Mary, BT Assistant (Tamil) right from 01.07.2014. Hence, the petitioner school sent a proposal to the third respondent by its proceedings dated 18.08.2020. The third respondent by his impugned proceedings dated 05.11.2020, returned the said proposal stating that the said Sr.G.Stella Mary, BT Assistant (Tamil) has not completed the Teacher Eligibility Test (TET) and as such she is not considered for annual increment.

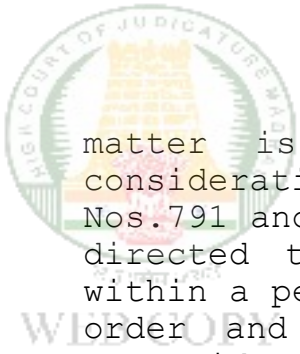
4.The learned counsel appearing for the petitioner would further submit that the petitioner school is the Minority Institution and passing of Teacher Eligibility Test is not necessary in respect of the Teachers employed in Minority Institution. In this regard, he refers to the judgment of this Court 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 05.11.2020 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) 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 Sr.G.Stella Mary, BT Assistant (Tamil) 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.2834/Aa3/2020 dated 05.11.2020 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) Nos.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 18.08.2020 and to provide the annual increment to Sr.G.Stella Mary, BT Assistant (Tamil), within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL SIDE)

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/ /2021

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 Director of School Education,
(Higher Secondary),
Chennai-6.
- 2.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 3.The District Educational Officer,
Devakottai,
Sivagangai District.

+1cc to Mr.R.Devaraj, Advocate Sr.No.27116
+1cc to SPL GP Sr.No. 27366

W.P. [MD] No.19339 of 2020
23.12.2020

VB (04.03.2021) 3P 6C