

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.4974 of 2021

K.Sumathi

... Petitioner

-vs-

1. The Director of School Education,
DPI Complex, College Road,
Chennai-6.
 2. The Chief Educational Officer,
Egmore, Chennai-8.
 3. The District Educational Officer,
Chennai North, Chennai-49.
 4. The Secretary / Correspondent,
Railway Colony Aided High School,
No.1, Morse Road, Aynavaram,
Chennai-23.
- Respondents

Prayer: Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents to grant annual increment to the petitioner from the date of initial appointment (15.06.2011) in the post of B.T.Assistant (Science) as well as the incentive increments for acquiring higher qualification (M.A) and other allowances to the petitioner based on the proposal submitted by the 4th respondent in his proceedings dated 13.11.2017, 23.11.2017 and 05.10.2020 without reference to passing of Teacher Eligibility Test (TET).

For Petitioner : Mr.K.H.Ravikumar

For R1 to R3 : Mr.P.Raja
Govt. Advocate

O R D E R

The petitioner has filed this writ petition seeking a direction to the respondents to grant annual increment to the petitioner from the date of initial appointment (15.06.2011) in

the post of B.T.Assistant (Science) as well as the incentive increments for acquiring higher qualification (M.A) and other allowances to the petitioner, based on the proposal submitted by the 4th respondent in his proceedings dated 13.11.2017, 23.11.2017 and 05.10.2020 without reference to passing of Teacher Eligibility Test (TET).

2. Mr.P.Raja, learned Government Advocate takes notice for R1 to R3. By consent on either side, the Writ Petition itself is taken up for final disposal at the admission stage itself.

3. According to the petitioner, she was appointed as a B.T.Assistant (Science) in the 4th Respondent school, which is an Aided school, on 15.06.2011 against a sanctioned post and though her services were not regularized initially for want of TET, pursuant to the intervention by this Court, her appointment was approved by the proceedings of the District Educational Officer (North) on 13.08.2015. It is the grievance of the petitioner that though her services were regularized, annual increment and other allowance were not paid to her till date, despite receipt of the proposal of the 4th respondent by the 3rd respondent dated 13.11.2017 and 23.11.2017. It is submitted that the petitioner also sent several representations on 23.11.2017, 08.04.2018, 20.06.2018 and 05.10.2020 and the 4th Respondent also once again forwarded the proposal on 05.10.2020 to the 1st and 2nd Respondents. Since all her efforts did not bring any fruitful results for grant of annual increment and other allowance, the petitioner is before this Court for a suitable direction.

4. Considering the facts and circumstances of the case and taking into account the fact that the proposal dated 05.10.2020 forwarded by the 4th Respondent is already pending with the respondents, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents 2 & 3 herein to take a decision on the proposal dated 05.10.2020 and pass appropriate orders thereon, in accordance with law as expeditiously as possible, preferably within a period of two months from the date of receipt of a copy of this order;

ii) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of all the representations and this order, to the respondents 2 & 3 forthwith;

iii) The respondents 2 & 3 are directed to communicate the decision taken on the proposal, to the 4th Respondent as well as the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to

file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to them, they will have to face the civil imprisonment in case of initiation of contempt proceedings. No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub-Assistant Registrar

To:

1. The Director of School Education,
DPI Complex, College Road,
Chennai-6.
2. The Chief Educational Officer,
Egmore, Chennai-8.
3. The District Educational Officer,
Chennai North, Chennai-49.
4. The Secretary / Correspondent,
Railway Colony Aided High School,
No.1, Morse Road, Aynavaram,
Chennai-23.

+1CC TO MR.K.H.RAVIKUMAR, ADVOCATE, SR.NO. 13657

+1CC TO M/S.SPECIAL GOVERNMENT PLEADER, SR.NO. 14186

W.P.No.4974 of 2021

PL(CO)
KKN 28/04/2021

सत्यमेव जयते

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