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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NOS.22542 & 22543 OF 2021

(Through Video Conferencing)

1. V.Prema ... Petitioner in W.P.No.22542
of 2021

2. R.Dhanapal ... Petitioner in
W.P.No.22543 of 2021

.Vs.

1. The State of Tamil Nadu,
Represented by its Principal
Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Chennai District,
Presidency Government Girls Higher
Secondary School Campus,
Egmore, Chennai - 600 008.
4. The District Educational Officer,
Chennai East Education District,
Lady Wellington Campus,
Kamarajar Salai,
Triplicane,
Chennai - 600 005.
5. The Correspondent,
The Kellett Higher Secondary School,
Triplicane, Chennai - 600 005.

... Respondents in both W.Ps



COMMON PRAYER:-

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pass orders for granting annual increment to the petitioners in the post of B.T. Assistant (Tamil) working in the fifth respondent School and granting incentive increment for having acquired B.Ed Degree qualification, based on the representation submitted by the petitioners, with all consequential and other attendant benefits including payment of interest.

For Petitioners : Mr.G.Sankaran
(In both W.Ps)

For Respondents

For R1 to R4 : Mr.L.S.M.Hasan Fizal
(In both W.Ps) Government Advocate

COMMON ORDER

Mr.L.S.M.Hasan Fizal, learned Government Advocate takes notice on behalf of the first to fourth respondents.

2. These writ petitions have been filed for a mandamus, to direct the respondents to grant annual increment to the petitioners who are working as B.T. Assistant (Tamil) in the fifth respondent School and for grant of incentive increment for having acquired B.Ed Degree based on the representation submitted by the petitioners, with all consequential and other attendant benefits including payment of interest.

3. The petitioners were appointed in the fifth respondent Minority Institution. It is submitted that though their services were regularized and approvals were granted by the respondents, these petitioners have not been granted annual increments and incentive increments on the ground that they do not possess requisite TET qualification.

4. Appearing on behalf of the petitioners, the learned counsel submits that the issue is no longer res integra and submits that the issue is covered by the order of the Madurai Bench of this Court in Secretary to Government, Education Department, Chennai and others Vs S.Jeyalakshmi and another, (2016) 5 CTC 639.

5. The learned counsel for the petitioners has also drawn attention to the following three decisions of the Madurai Bench of this Court:-



(i) Amala Convent Girls Higher Secondary School, Represented by its Correspondent, Kanyakumari District Vs The Secretary to Government, School Education Department, Chennai and others, passed in W.P.(MD).No.6777 of 2017 dated 09.06.2017.

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(ii) P.Loveline Vs State of Tamil Nadu, Represented by its Secretary to Government, Chennai and others, passed in W.P.(MD). No.18597 of 2018 dated 18.09.2018.

(iii) The Chief Educational Officer, Tirunelveli and another Vs K.Solomon Jeyaraj and another, passed in W.A.(MD).Nos.1413 and 1414 of 2019 dated 27.11.2019.

6. Appearing on behalf of the first to fourth respondents, the learned Government Advocate submits that the orders passed by this Court have been accepted and have been implemented. Considering the same, these Writ Petitions are allowed at the time of admission with consequential relief to the petitioners as TET qualification is not mandatory for teachers working in Minority Institutions in terms of the decisions cited above. The respondents are therefore directed to implement this order within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Commissioner of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Chennai District,
Presidency Government Girls Higher
Secondary School Campus,
Egmore, Chennai - 600 008.



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4. The District Educational Officer,
Chennai East Education District,
Lady Wellington Campus,
Kamarajar Salai, Triplicane,
Chennai - 600 005.

5. The Correspondent,
The Kellett Higher Secondary School,
Triplicane, Chennai - 600 005.

+2ccs to Mr.G.Sankaran, Advocate, S.R.Nos.54527 & 54528
+1cc to the Government Pleader, S.R.No.55026

W.P.NOS.22542 & 22543 OF 2021

NK(CO)
PBS/30/11/2021