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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.22382 of 2021

and

W.M.P.Nos.23634 & 23635 of 2021

(Through Video Conferencing)

Sophia Lavinia. B.

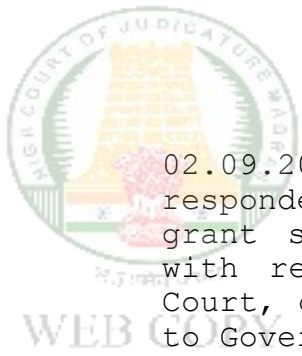
... Petitioner

Vs.

1. The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Chengalpattu, Chengalpattu - Dt.
3. The District Educational Officer,
Chennai - Central,
The office of the District Educational Officer,
Chennai - 600 015.
4. The District Educational Officer,
The office of the District Educational Officer,
St.Thomas Mount, Chromepet,
Chennai.
5. The Correspondent,
Anderson Higher Secondary School,
Kanchipuram - 631 501.
6. The Correspondent,
C.S.I. Corley Higher Secondary School,
13, MES Road, East Tambaram,
Chennai - 600 059.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order dated



02.09.2021 in Na.Ka.No.0827/A2/2021, on the file of the 3rd respondent and quash the same and to direct the respondents to grant service and monetary benefits to the petitioner on par with regular teachers, in the light of the judgment of this Court, dated 24.08.2016, reported in (2016) 7 MLJ 155, Secretary to Government v. S.Jeyalakshmi.

For Petitioner : M/s. Father Xavier Associates

For R1 to R4 : Mr.L.S.M.Hasan Fizal, Govt. Adv.

O R D E R

This Writ Petition is being disposed at the time of admission.

2. This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order dated 02.09.2021 in Na.Ka.No.0827/A2/2021 of the fourth respondent and quash the same and to direct the respondents to grant service and monetary benefits to the petitioner on par with regular teachers, in the light of the decision of this Court in Secretary to Government, Government of Tamil Nadu, Education Department and Others Vs. S.Jeyalakshmi and Another, (2016) 7 MLJ 155.

3. By the impugned order, the fourth respondent has returned the request of the petitioner for grant of increments on the ground that the petitioner ought to have approached the third respondent who had passed an order approving the appointment of the petitioner.

4. It is the case of the petitioner that the C.S.I. Corely Higher Secondary School where the petitioner is currently working is a minority institution and therefore the insisting for TET qualification does not arise in the light of the decision of this Court in Secretary to Government, Government of Tamil Nadu, Education Department and Others Vs. S.Jeyalakshmi and Another, (2016) 7 MLJ 155.

5. The learned counsel for the petitioner also refers to the following several other orders:-

- i. Sangu Kumar Vs. The Director of School Education and Others, in W.P. (MD) No.16428 of 2018, dated 26.07.2018.
- ii. Anna Boys Higher Secondary School Vs. The



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Director of School Education and Others, in W.P. (MD) No.20203 of 2018, dated 05.02.2020.

iii. S.M. Shanthi Vs. The District Educational Officer, in W.P. (MD) No.8807 of 2021, dated 29.04.2021.

iv. Mrs. Flora Motcha Rakini. B Vs. The Government of Tamil Nadu, rep. by its Additional Chief Secretary, Department of School Education (C2) and Others, in W.P.No.17887 of 2021 and etc., dated 26.08.2021.

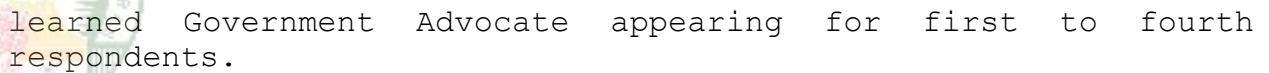
v. Y. Priya Vs. The Government of Tamil Nadu, rep. by its Secretary, Department of School Education and Others, in W.P.No.17687 of 2021, dated 24.08.2021.

vi. Mrs. A. Alponse Mary Vs. The Commissioner for School Education and Others, in W.P.No.20523 of 2021, dated 24.09.2021.

6. The learned counsel for the petitioner submits that there is no dispute that the petitioner was appointed on 13.06.2012 as a B.T. Assistant (Maths) in C.S.I.St.Ebbas Girls Higher Secondary School, Mylapore, Chennai - 04 and the petitioner's appointment was also approved by the third respondent vide Order dated 21.03.2017. He further submits that merely because the petitioner was transferred from C.S.I.St.Ebbas Girls Higher Secondary School, Mylapore, Chennai - 04 to C.S.I. Corley Higher Secondary School, East Tambaram would not mean that the fourth respondent is not empowered to pass appropriate order for granting increments to the petitioner. It is submitted that once the appointment was approved by the Competent Authority under the provisions of the Act, the question of driving the petitioner back and forth between the fourth respondent and the third respondent cannot be countenanced.

7. Appearing for the first to fourth respondents, the learned Government Advocate submits that when the petitioner was initially appointed on 13.06.2012 and approval was accorded on 21.03.2017, the query was raised by the office of the third respondent on 17.12.2018. The said objection was not complied either by the petitioner or by the said school. Instead, the petitioner was transferred from C.S.I.St.Ebbas Girls Higher Secondary School, Mylapore, Chennai - 04 to C.S.I. Corley Higher Secondary School, East Tambaram. The learned Government Advocate further submits that only the third respondent is the Competent Authority to pass appropriate order and not the fourth respondent.

8. Heard the learned counsel for the petitioner and the



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11. Considering the same, the third and fourth respondents are directed to accord the appropriate permission for granting the increments to the petitioner together with arrears within a period of eight weeks from the date of receipt of a copy of this order.

13. This Writ Petition is disposed with the above observations. No cost. Consequently, connected Miscellaneous Petitions are closed.

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To

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DPI Campus, College Road, Chennai - 600 006.
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Office of the Chief Educational Officer,
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13, MES Road, East Tambaram,
Chennai - 600 059.

+2ccs to M/s.Father Xavier Associates, Advocate, S.R.No.54131

W.P.No.22382 of 2021 and
W.M.P.Nos.23634
& 23635 of 2021

PMK (CO)
SU (30/11/2021)