



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 26.10.2021

C O R A M

The Hon'ble Mr. Justice C.SARAVANAN

Writ Petition No.22899 of 2021

(Through Video Conferencing)

S.Nirmalraj

...Petitioner

Vs.

1. The Director of Elementary Education,
College Road, Chennai - 6.
2. The Chief Educational Officer,
Perambalur District.
3. The District Educational Officer,
Paayrale, Perambalur District.
4. The Chairman,
TELC, Educational Board,
Post Box.86, Tranquebar House,
Tiruchirapalli - 620 001.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents to grant Annual increments, incentive increment for having acquired higher qualification, surrender leave benefits and other attendant benefits in the post of secondary grade teacher w.e.f. 12.10.2011 (the date of approval) by taking note of the facts that the Petitioner was appointed prior to the issuance of G.O.Ms.No.181, School Education Department dated 15.11.2011.

For Petitioner : Mr.K.H.Ravikumar

For Respondents : Mr.L.S.M.Hasan Fikal
Government Advocate for R1 to R4

O R D E R

The Petitioner was appointed by the 5th Respondent with effect from 01.06.2011. After the Petitioner was appointed by the 5th Respondent, the Government had issued orders in G.O.Ms.No.181, School Education Department dated 15.11.2011,



which made out mandatory for all the teachers qualify in the Teacher Eligible Test(TET). In these circumstances, the Petitioner filed a writ petition in W.P.No.5421 of 2014 which came to be ordered on 13.06.2014. Thereafter, the Petitioner's appointment was approved by the third Respondent on 03.12.2014. Though the Petitioner continues to draw permanent salary, the Petitioner has not been paid incentive increments and annual increments on the ground that the Petitioner has not qualified in the TET.

2. Appearing on behalf of the Respondents, the learned Government Advocate submits that unless the Petitioner clears the TET increment cannot be granted.

3. Heard the learned counsel for the Petitioner and the learned Government Advocate appearing for the Respondents and perused the materials available on record.

4. The Division Bench of this Court in Secretary to Government vs. S.Jayalakshmi, 2016(4) L-W-841 had held minority institutions are outside the purview of RTE Act, 2005. In the said judgment, the Division Bench of this Court referred the decision of the Hon'ble Supreme Court in Pramati Educational & Cultural Trust vs. Union of India, 2014 (8) SCC 1 has held that the minority institutions were also outside the purview of TET and therefore the teachers employed in such minority institutions are not required to qualify themselves in the Teacher Eligible Test(TET). This Court has passed series of orders allowing the relief to the persons who had approached the Court for similar relief in the light of the orders of the Division Bench of this Court following the decision of the Hon'ble Supreme Court in Pramati case referred supra. Therefore, this writ petition is deserves to be allowed.

5. This writ petition is therefore allowed by directing the Respondents to pay the attendant benefits to the Petitioner within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Elementary Education,
College Road, Chennai - 6.

2. The Chief Educational Officer,
Perambalur District.

3. The District Educational Officer,
Paayraleel, Perambalur District.

4. The Chairman,
TELC, Educational Board,
Post Box.86, Tranquebar House,
Tiruchirapalli - 620 001.

+lcc to Mr.K.H.Ravikumar , Advocate, S.R.No.54878

W.P.No.22899 of 2021

NRL[co]
NSK 29/11/2021