



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.16050 of 2021

WEB COPY

S.N.Yasmin Sintha Fathima

... Petitioner

vs.

1.The Chief Educational Officer,
Tenkasi District.
Tenkasi.

2.The District Educational Officer,
Tenkasi District,
Tankasi.

3.The Correspondent,
Masood Thaika Higher Secondary School,
Kadayanallur,
Tankasi District.

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to resubmit the proposal for yearly annual increment to the petitioner for the post of B.T.Assistant (History) in the third respondent School and consequently direct the second respondent to approve the proposal of yearly annual increment to the petitioner with all monetary benefits within time frame.

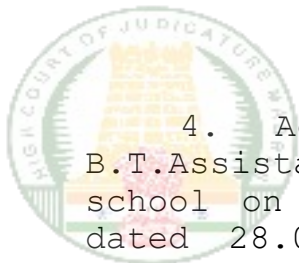
For Petitioner	: Mr.AN.Ramanatahan
For RR 1 and 2	: Mr.S.Shanmugavel, Standing counsel
For R - 3	: Mr.T.S.Mohammed Mohideen

O R D E R

This Writ Petition has been filed by the petitioner, praying for issuance of a Writ of Mandamus, directing the third respondent to resubmit the proposal for yearly annual increment to the petitioner for the post of B.T.Assistant (History) in the third respondent School and consequently direct the second respondent to approve the proposal of yearly annual increment to the petitioner with all monetary benefits within time frame.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel appearing for the respondents.

3. By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.



4. According to the petitioner, he was appointed as B.T.Assistant (History) in the sanctioned post of the 3rd respondent school on 01.06.2012. The 2nd respondent herein, vide proceedings dated 28.06.2012 has approved the appointment with conditions. Later, the petitioner appeared for Teachers Eligibility Test (TET) exam in the year 2013 and successfully passed the same and it was entered in his service register on 12.06.2015 by the 3rd respondent and ratified by the 2nd respondent. On 16.02.2018, the 3rd respondent sent proposal for sanction of annual increment to the petitioner along with two other teachers to the 2nd respondent, which was returned by the 2nd respondent stating that the appointment approval order along with TET exam result to be annexed. From the year 2017 onwards, the petitioner was drawing the salary without any increment. After return of the proposal for want of certain documents, the 3rd respondent has not re-submitted the proposal along with required documents. Hence, the petitioner has come forward with the present Writ Petition.

5. The learned Standing counsel appearing for the respondents 1 & 2 would submit that for want required documents, the 2nd respondent returned the proposal, which has not been resubmitted by the 3rd respondent and in case, the 3rd respondent resubmitted the proposal along with the required documents, the same would be considered and appropriate orders would be passed by the 2nd respondent.

6. In view of the submissions made by the learned counsel for the petitioner and the learned Standing counsel appearing for the respondents and taking note of the fact that the 3rd respondent has not yet resubmitted the proposal, this Court directs the 3rd respondent to resubmit the proposal along with the required documents sought for, to the 2nd respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said proposal, the 2nd respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of 12 weeks thereafter.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (P&A)

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/ /2021

Sub Assistant Registrar(CS)



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+1 CC to M/s.SPL GP (SR-28514[F] dated 08/09/2021)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-28574[F] dated
08/09/2021)

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KS (CO)
KB (24.09.2021) 3P 6C