



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A(MD)No.2144 of 2021

and

CMP(MD)No.10104 of 2021

1) The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.

2) The District Educational Officer,
Tirunelveli,
Tirunelveli District.

... Appellants

vs.

1) V.Mary Sneka Rita

2) The Correspondent,
Schaffter Higher Secondary School,
Tirunelveli-1,
Tirunelveli District.

... Respondents

Prayer

Appeal filed under Clause XV of Letters Patent, against the order dated 22.12.2020 made in W.P(MD)No.7888 of 2019.

Prayer in WP(MD). 7888/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified mandamus, calling for the records relating to impugned order in O.Mu.No.6199 /A2/2018 dated 8.1.2019 of 2nd respondent and quash the same and consequently direct the respondents herein to award annual increments, incentive, surrender leave benefits and other attended benefits to the petitioner from the date of petitioners appointment as BT Assistant (Maths) in the 3rd respondents school w.e.f. 17.11.2011 with all attendant benefits including pay fixation and allowance.

For Appellants : Mr.P.Subbaraj
Special Government Pleader
For R1 : Mr.T.Pon Ramkumar



JUDGMENT

(Judgment of the Court was made by
PUSHPA SATHYANARAYANA, J.)

The appeal is filed by the Government, challenging the order extending certain benefits to the 1st respondent herein.

2. The only objection raised by the learned Special Government Pleader for the appellants is that the 1st respondent did not qualify TET examination and therefore, the benefits cannot be extended to him.

3. In similar circumstances, several orders of the learned Single Judges as well as the Division Benches have been passed and one of the latest judgment is on 28.09.2021, by the First Division Bench in W.A(MD)No.1862 of 2021, which is as follows:-

'2. It is fairly submitted on behalf of the appellants that the issue is covered by a previous Division Bench judgment in a batch of matters and the State has preferred a Special Leave Petition.

3. Since the issue is already covered by a Division Bench judgment, no question arises of revisiting the same. In the event the SLP succeeds and the relevant order is set aside, that will govern all matters.'

4. In view of the above decision, this Writ Appeal is dismissed on the same lines as quoted above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

1) The Chief Educational Officer,
Tirunelveli, Tirunelveli District.

2) The District Educational Officer,
Tirunelveli, Tirunelveli District.

+1 CC to M/s.SPL GP (SR-37046[F] dated 02/12/2021)

+1 CC to M/s.T.PON RAMKUMAR, Advocate(SR-36680[F] dated 01/12/2021)

W.A(MD)No.2144 of 2021

DATED : 01.12.2021

MGJ(10.12.2021) 2P 5C

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