



WP(MD)No.10308 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.07.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.10308 of 2021

and

W.M.P.(MD)Nos.7984 & 7985 of 2021

B.Britto

... Petitioner

/vs./

1.The Director of School Education,
College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.

3.The District Educational Officer,
Mandabam,
Ramanathapuram District.

4.The Correspondent,
St. Joseph's Higher Secondary School,
Verkottu, Rameswaram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records relating to the



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impugned proceedings issued by the third respondent District Educational Officer in Na.Ka.No.1704/A3/2020 dated 06.08.2020, quash the same and further direct the third respondent District Educational Officer to sanction and release forthwith annual increment admissible to the petitioner in the post of BT Assistant (Maths) w.e.f. 01.04.2013, with all consequential benefits.

For Petitioner : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

For Respondents 1 to 3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

On request of the petitioner herein, who is working as B.T.Assistant (Maths) with effect from 01.04.2013 in the fourth respondent School, for grant of annual increments and other consequential benefits, the third respondent herein, through the impugned order dated 06.08.2020, had rejected the claim stating that such annual increments, insofar as the Teachers of Minority Institutions, who had not qualified TET, are being granted, on the basis of the Court orders and since there is no Government Order for grant of annual increments to the Teachers of Minority Institutions, such claim cannot be considered.



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2.The reasoning adopted by the third respondent herein for rejecting the petitioner's claim for annual increment is totally illegal. This Court has been directing the Educational Authorities to grant annual increments to the Teachers of the Minority Institutions, based on the Judgment of the Hon'ble Supreme Court in the case of **Pramati Educational & Cultural Trust & Others vs. Union of India & Ors.** reported in **2014 (8) SCC 1**.

3.The aforesaid Judgment of the Hon'ble Supreme Court is binding on the Educational Authorities also and therefore, the third respondent herein cannot now claim that absence of Government Order to that specific effect is an impediment for rejection of the claim for annual increment.

4.This apart, it is stated by the learned counsel appearing for the petitioner that the petitioner herein had already qualified in TET in the years 2013 and 2017. On this factual aspect also, the reasoning of the respondents in the impugned order cannot be sustained.



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5. In the result, the impugned order passed by the third respondent dated 06.08.2020 is quashed. Consequently, there shall be a direction to the third respondent herein, to pass orders, sanctioning annual increments admissible to the petitioner to the post of BT Assistant (Maths), with effect from 01.04.2013 and consequently, disburse such benefits to him, within a period of four (4) weeks from the date of receipt of a copy of this order. This Writ Petition stands allowed accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

28.07.2022

Index : Yes / No
Internet : Yes / No
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M.S.RAMESH, J.

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