



WEB COPY



W.P.No.18911 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2023

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.18911 of 2020

P.Banurekha

... Petitioner

Vs.

1.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

2. The District Educational Officer,
Chennai North Education District,
Sidco Nagar, Villivakkam,
Chennai – 600 049.

3.The Block Educational Officer,
Perambur Block,
Sidco Nagar, Villivakkam,
Chennai – 600 049.

4.The Manager & Correspondent,
M.P.Devadas Primary School,
No.73, E.H.Road,
Vyasarpadi,
Chennai – 600 039.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying



W.P.No.18911 of 2020

for issuance of Writ of Mandamus directing the respondents to sanction annual increment to the petitioner in the post of Secondary Grade Teacher in the 4th respondent school from July 2012 onwards and other service benefits as well as the incentive increment for having acquired B.A. And B.Ed. from the year 2006 and 2018 respectively, based on the proposal forwarded by the fourth respondent school dated 19.08.2019 with all consequential and other attendant benefits including arrears of salary.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : M/s.P.Vijaya Devi
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking direction to the respondents to sanction annual increment to the petitioner in the post of Secondary Grade Teacher in the 4th respondent school from July 2012 onwards and other service benefits as well as the incentive increment for having acquired B.A. And B.Ed. from the year 2006 and 2018 respectively, based on the proposal forwarded by the fourth respondent school dated 19.08.2019 with all consequential and other attendant benefits including



W.P.No.18911 of 2020

arrears of salary.

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2. The case of the petitioner is that the petitioner has completed her Diploma in Teacher Education and appointed as Secondary Grade Teacher in the fourth respondent school and her appointment was duly approved by the second respondent vide proceedings in Na.Ka.No.2738-1/Aa2/2011 dated 01.11.2011. Though the petitioner is entitled for annual increment and other service benefits including the payment of incentive increment for having acquired the higher qualification of B.A. and B.Ed., the same was not granted to her by the respondents. Moreover, the fourth respondent school has also forwarded the proposal to the third respondent for sanctioning of annual increment for the period from July 2012 to July 2019, however, the same was not considered on the ground that she has not passed Teachers Eligibility Test (TET). In this regard, this Court has clarified that TET cannot be insisted for the appointment made prior to 15.11.2011. Apart from that the Director of School Education/The Director of Elementary Education issued orders by making it clear that TET is not required for the appointment made prior to 15.11.2011. Hence, the petitioner has come forward with the present



W.P.No.18911 of 2020

writ petition.

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3. Learned counsel for the petitioner submitted that the petitioner is entitled for annual increment to the post of Secondary Grade Teacher in the fourth respondent school from July 2012 onwards and incentive increment for acquiring higher qualification of B.A., B.Ed., from the year 2006 and 2018 respectively. Hence, he prayed this Court to direct the respondents to sanction the same, within a time frame to be fixed by this Court.

4. Learned Government Advocate appearing for the respondents submitted that the petitioner is eligible for annual increment and they will settle the arrears, which is due from July 2012 and seeks eight weeks time to comply the same. In regard to incentive increment, the learned Government Advocate submitted that there is no proposal pending before the second respondent.

5. Heard the learned counsel on either side and perused the materials available on record.



W.P.No.18911 of 2020

WEB COPY

6. In view of the above facts and circumstances of the case, without going into the merits of the case, this Court issues the following directions:

(i) The respondents are directed to settle the annual increment to the petitioner, which is due from July 2012, within a period of eight weeks from the date of receipt of a copy of this order.

(ii) Regarding incentive increment, the fourth respondent/school is directed to send a proposal to the third respondent within a period of two weeks from the date of receipt of a copy of this order, in turn, the third respondent is directed to forward the said proposal to the second respondent.

(iii) On such proposal being made, the second respondent is directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of six weeks thereafter.

7. This writ petition is disposed of with the aforesaid observation and directions. No costs.

31.08.2023 (vm)



W.P.No.18911 of 2020

Index : Yes/No
Speaking Order : Yes/No

WEB COPY

J.SATHYA NARAYANA PRASAD,J.

vm

To:

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Page No.6 of 7



W.P.No.18911 of 2020

Perambur Block,
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WEB COPY

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W.P.No.18911 of 2020

31.08.2023