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W.P.Nos.26146, 26149, 26154 & 26158 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.26146, 26149, 26154 & 26158 of 2023 and
W.M.P.Nos.25544, 25548, 25550 & 25556 of 2023

L.Philomena,
Holy Angles Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar, Chennai – 600 017. ... Petitioner in W.P.No.26146 of 2023

Kimberly Kathleen George,
Holy Angles Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar, Chennai – 600 017. ... Petitioner in W.P.No.26149 of 2023

I.Roseline Deepa,
Holy Angles Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar, Chennai – 600 017. ... Petitioner in W.P.No.26154 of 2023

Mary Sopana,
Holy Angles Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar, Chennai – 600 017. ... Petitioner in W.P.No.26158 of 2023

Versus

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George, Chennai -600009.



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

- 2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006. ... 1st & 2nd Respondents in all Writ Petitions
- 3.The District Educational Officer (Anglo-Indian),
The office of the District Educational Officer,
No.9, Kamarajar Salai,
Triplicane,
Chennai – 05. ... 3rd Respondent in W.P.Nos.26146, 26149
& 26154 of 2023
- 4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Presidency School Campus,
Egmore,
Chennai – 600 008. ... 3rd Respondent in W.P.No.26158 of 2023
- 5.The Correspondent,
Holy Angles Anglo-Indian Higher Secondary School,
107, Sir Theyagaraya Road,
T.Nagar,
Chennai – 600 017. ... 4th Respondent in W.P.Nos.26146, 26149
& 26154 of 2023
- 6.The District Educational Officer,
The office of the District Educational Officer,
South Chennai,
Saidapet, Chennai – 600 015.
- 7.The Correspondent,
St.Raphael's Girls Higher Secondary School,
No.2, Rosary Church Road,
Santhome,
Chennai – 600 004. ... 4th & 5th Respondents in W.P.No.26158
of 2023



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

PRAYER in W.P.Nos.26146, 26149 & 26154 of 2023: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ, directing the respondents 1 to 3 to effect regularization of the petitioners' service w.e.f 10.06.2013, 07.07.2014 & 20.06.2013 respectively, with all service and monetary benefits, on par with regular teachers in the 4th respondent school.

PRAYER in W.P.No.26158 of 2023: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ or order or direction in the nature of Writ directing the respondents 1 to 4 to act upon the order of this Court dated 24.08.2016, reported in (2016) 7 MLJ 155 Secretary to Government v. S.Jeyalakshmi, in the batch of writ petitions, to regularize the service of the petitioner Miss.Mary Sopana, as B.T.Asst (Maths) in the 5th respondent school w.e.f.19.07.2013 with all service and monetary benefits, including regular increments.

For Petitioners
in all Writ Petitions : Dr.Xavier Arulraj, Senior Counsel
for M/s.Pather Xavier Associates

For R1 to R3 in
W.P.Nos.26146, 26149 &
26154 of 2023 and R1 to R4
in W.P.No.26158 of 2023 : Mr.P.Baladhandayutham,
Special Government Pleader

COMMON ORDER

W.P.Nos.26146, 26149 & 26154 of 2023 have been filed to direct the respondents 1 to 3 to effect regularization of the petitioners' service w.e.f 10.06.2013, 07.07.2014 & 20.06.2013 respectively, with all service and monetary benefits, on par with regular teachers in the 4th respondent school.



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

2.W.P.No.26158 of 2023 has been filed to direct the respondents 1 to 4 to act upon the order of this Court, dated 24.08.2016 in “**Secretary to Government v. S.Jeyalakshmi** reported in **(2016) 7 MLJ 155**”, in the batch of writ petitions, to regularize the service of the petitioner as B.T.Asst (Maths) in the 5th respondent school w.e.f.19.07.2013 with all service and monetary benefits, including regular increments.

3.The grievance of the Writ Petitioners is that the petitioner in W.P.No.26146 of 2023 appointed as Secondary Grade Assistant (Tamil) in Holy Angles Anglo-Indian Higher Secondary School, T.Nagar, Chennai on 10.06.2013. Similarly, the petitioner in W.P.No.26149 of 2023 appointed as Middle Grade Assistant in the said school on 07.07.2014 and the petitioner in W.P.No.26154 of 2023 appointed as B.T.Assistant (Tamil) on 20.06.2023 and the petitioner in W.P.No.26158 of 2023 appointed as B.T.Assistant (Maths) on 19.07.2023. The appointment of the petitioners in W.P.Nos.26146, 26149 & 26154 of 2023 approved on 21.04.2017 and the appointment of the petitioner in W.P.No.26158 of 2023 approved on 21.03.2017. The last increment to the petitioners in W.P.Nos.26146 & 26154 of 2023 was granted on 01.04.2022 and the petitioner in



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

W.P.No.26149 of 2023 was granted on 01.07.2022, however, now the pending increment has to be sanctioned to the petitioners. Though the appointment of the petitioner in W.P.No.26158 of 2023 has been approved as early as on 21.03.2017, the increment has not been sanctioned from the beginning. Hence, seeks direction of this Court.

4.Mr.P.Baladhandayutham, learned Special Government Pleader takes notice for the respondents 1 to 3 in W.P.Nos.26146, 26149 & 26154 of 2023 and the respondents 1 to 4 in W.P.No.26158 of 2023.

5.It is relevant to note that the Hon'ble Division Bench of this Court in the case of “***The Director of School Education, D.P.I Campus, College Road, Chennai-600 006 and others Versus M.Velayutham***” in W.A.Nos.313 of 2022 etc., batch, dated 02.06.2023, had held that the approval of appointment of teachers in minority schools, both aided and unaided, cannot be refused or rejected on the ground that they do not possess a pass in TET and also held that the principles laid down in this judgment will not have application to minority schools, both aided and unaided and also that, RTE Act, 2009 will not apply to the minority schools.



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

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6. In the light of the decision cited above, this Court is of the view that having approved the appointment of the petitioners, now the respondents cannot stop the increments of the petitioners. Accordingly, there shall be a direction to the respondents to pass orders sanctioning the increment to the petitioners, within a period of three months, from the date of receipt of a copy of this order.

7. With the above direction, these Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

07.09.2023

Index : Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking Order/Non-Speaking Order

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To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai -600009.



W.P.Nos.26146, 26149, 26154 & 26158 of 2023

2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 006.

3.The District Educational Officer (Anglo-Indian),
The office of the District Educational Officer,
No.9, Kamarajar Salai,
Triplicane,
Chennai – 05.

4.The Chief Educational Officer,
Office of the Chief Educational Officer,
Presidency School Campus,
Egmore,
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5.The District Educational Officer,
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Saidapet, Chennai – 600 015.



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N.SATHISH KUMAR, J.
vv2

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