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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:**15.09.2023**

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P(MD)NO.1337 OF 2019

Jeyalakshmi

:Petitioner

.VS.

1.The Secretary to Government,
Department of School Education,
St.George Fort,
Chennai – 600 009.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai.

3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.

4.The District Educational Officer,
Tenkasi Educational Office,
Tenkasi.

5.The Correspondent,
The Suyambulingam Higher Secondary School,
T.N.Pudukudi,
Puliangudi,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the



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respondents to disburse all the service and monetary benefits including yearly increment, Earn Leave and Medical Leave from the date of appointment(ie, 01.12.2011).

For Petitioner :Mr.S.Chellapandian

For Respondents :Mr.M.Ramesh
1 to 4 Govt.Advocate

For Respondent-5 :No appearance.

ORDER

This Writ Petition is filed to disburse all the service and monetary benefits including yearly increment, Earn Leave and Medical Leave from the date of appointment(ie, 01.12.2011).

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is the case of the Petitioner that the Petitioner was appointed as Tamil Pandit w.e.f 23.11.2011 in the fifth respondent aided School. Even though initially the appointment was approved, later on, by order dated 7.11.2013, the approval was cancelled. As against which, the Petitioner had approached this Court by way of a Writ Petition in W.P(MD)19687 of 2013 and this Court had initially



granted an interim order staying the operation of the said order.

Even though the said order of stay was in force and the Petitioner has continued in service, yearly increment etc for the next year onwards was not granted and therefore, the present Writ Petition was filed by the Petitioner.

4. Pending this Writ Petition, by an order, dated 13.8.2019, the earlier Writ Petition filed by the Petitioner came to be dismissed by this Court and the Petitioner has now preferred an Writ Appeal in W.A(MD)No.5 of 2020 and by an order, dated 06.01.2020, interim stay is granted, pursuant to which the Petitioner is now continuing in service. The learned counsel appearing on either side would submit that only for the said reason that the Petitioner's appointment itself is in scanner, subsequent yearly increments were not granted. Once the Petitioner succeeds that her appointment has to be sustained, even without Teacher's Eligibility Test qualification, all the other benefits would follow.

5. In that view of the matter this Writ Petition is disposed of with the following directions:



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(i) depending upon the outcome of the Writ Appeal, as and when if the Petitioner's appointment is found to be valid, the respondents shall immediately release the yearly increment and other benefits within a period of four weeks from the date of the decision in the Writ Appeal.

(ii) If the Petitioner does not succeed, automatically the Petitioner's claim in this Writ Petition will not survive and will stand dismissed.

(iii) There shall be no order as to costs.

15.09.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No

vsn

To

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D.BHARATHA CHAKRAVARTHY,J.

vsn

ORDER MADE IN
W.P(MD)NO.1337 OF 2019

15.09.2023