



W.P.(MD).No.26028 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.26028 of 2023

S.Rathishkumari

... Petitioner

Vs.

1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul,
Dindigul District.

2.The District Educational Officer (Elementary Education),
Office of the District Educational Officer,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from withholding the annual increments and other monetary benefits on the ground that the petitioner has not cleared Teacher Eligibility Test.

For Petitioner : Mr.S.Louis

For Respondents : Mr.V.Om Prakash
Government Advocate



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ORDER

The present writ petition has been filed by a Secondary Grade Teacher, who was working in a Private Aided School seeking a Mandamus, forbearing the authorities from withholding any annual increments and other monetary benefits on the ground that she had not cleared Teacher Eligibility Test Examination.

2. From the typed set of papers, it is clear that the petitioner was appointed on 08.04.2011 as a Secondary Grade Teacher in a Private Aided Primary School. Her appointment was approved by the authorities on 19.05.2011. Now the respondents have withheld the annual increments of the writ petitioner on the ground that she has not cleared the TET Examination. However, no orders have been passed. Therefore, the present writ petition has been filed.

3. The issue is squarely covered by the judgment of the Hon'ble Division Bench in a batch of writ appeals in ***W.A.Nos.313 of 2022 etc., (The Director of School Education, D.P.I Campus, College Road, Chennai-600 006 and***



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***Others Vs. M.Velayutham and Another)* dated 02.06.2023.** Paragraph No.

74(a) of the said judgment is extracted as follows:

"74(a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher / BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess / acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion."

4. In view of the judgment of the Hon'ble Division Bench of this Court, the petitioner having been appointed on 08.04.2011 much prior to the cut-off date, namely, 29.07.2011, is eligible to receive annual increments and other monetary benefits. The only impediment is that the petitioner cannot be considered for any promotion without passing TET Examination.

5. With the above said observation, this writ petition stands allowed to the extent as stated above. There shall be no order as to costs.

06.11.2023



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

To

- 1.The Chief Educational Officer,
Office of the Chief Educational Officer,
Dindigul,
Dindigul District.
- 2.The District Educational Officer (Elementary Education),
Office of the District Educational Officer,
Dindigul District.



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R.VIJAYAKUMAR, J.

BTR

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