



W.P(MD)No.30583 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30583 of 2023

and

W.M.P(MD)Nos.26292 & 26294 of 2023

The Secretary,
Gomathi Middle School,
Babu Nagar, Anupanadi,
Madurai-625 009.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai-600 009.

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

3.The District Educational Officer,
Madurai, Madurai District.

4.The Block Educational Officer,
South Zone, Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent BEO in A.Thi.Mu.No.931/A2/2023, dated 03.10.2023 quash the same and further direct the DEO to release forthwith the annual



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increment admissible to Tmt.J.Suganthi in the post of Secondary Grade Teacher in the petitioner School with effect from her date of appointment i.e.23.03.2011.

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

For Respondents : Mr.N.GA.Natraj
Government Advocate

ORDER

The present writ petition has been filed by a Secretary of an aided non-minority school challenging the order passed by the 4th respondent herein, wherein he has returned the proposal for grant of annual increment to a teacher on the ground that she has not passed TET examination.

2. The concerned teacher, namely J.Suganthi has been appointed on 23.03.2011 and her appointment was approved by an order, dated 17.06.2011 with effect from 23.03.2011 and grant-in-aid has already been released from the said date onwards. Now, when the incumbent teacher sought for annual increment, the said request has been rejected on the ground that she had not passed TET examination.



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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 and 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 23.03.2011 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.



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5. In view of the judgment of the Hon'ble Division Bench, the return order passed by the 4th respondent is set aside and he is directed to confer the annual increments as per the rules applicable. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.

6. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.12.2023

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

- 1.The Director of School Education,
College Road, Chennai-600 009.
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R.VIJAYAKUMAR,J.

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