



W.P.No.6418 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.6418 of 2022

R.David Devaprasad

... Petitioner

Vs.

- 1.State of Tamilnadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai 600 009
- 2.The Commissioner of School Education,
DPI Campus, College Road,
Chennai 600 006
- 3.The Chief Educational Officer,
Tiruvallur District,
Tiruvallur 602 001
- 4.The District Educational Officer,
Tiruvallur Education Office,
Tiruvallur 602 001
- 5.The Correspondent,
CSI Goudie Higher Secondary School,
Tiruvallur 602 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of mandamus directing the respondents to sanction annual increment, incentive increment for M.A.Degree



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qualification and other service benefits to the petitioner in the post of B.T.Assistant(Science) in the fifth respondent school from the year 2016 without reference to passing of Teachers Eligibility Test (TET) with all consequential and other attendant benefits, based on the representation submitted by the fifth respondent school.

For Petitioner : Mr.J.Jayamalan

For Respondents

For R1 to 4 : Mrs.R.L.Karthika,
Government Advocate

ORDER

This writ petition has been filed for direction to the respondents to sanction annual increment, incentive increment for M.A.Degree qualification and other service benefits to the petitioner in the post of B.T.Assistant(Science) in the fifth respondent school from the year 2016 without reference to passing of Teachers Eligibility Test (TET) with all consequential and other attendant benefits, based on the representation submitted by the fifth respondent school.

2. The petitioner is qualified with B.Sc., B.Ed. and MA



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(English). The fifth respondent school is a Christian Minority Educational Institution and aided school governed under the provisions of Tamilnadu Recognised Private Schools (Regulations) Act, 1973 and Rules, 1974. There was a vacancy to the post of B.T.Assistant (Science) due to retirement of an incumbent Tmt.A.Hepsiba on 30.04.2016. In the resultant vacancy, the petitioner was selected and appointed as B.T.Assistant (Science). Thereafter, the fifth respondent school has forwarded the proposal to the fourth respondent for approval of the petitioner's appointment. His appointment was duly approved by the fourth respondent by its communication dated 11.05.2018.

2.1 In view of the Government Order passed in GO.Ms.No.181 School Education Department dated 15.11.2011, Teachers Recruitment Board was appointed as Nodal Agency to conduct Teacher Eligibility Test (hereinafter called as TET) and to make appointment for the post of Secondary Grade Teacher based on the TET. The National Council for Technical Education (NCTE) issued notification dated 27.09.2011 thereby amended the earlier notification dated 23.08.2010 with regards to



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passing of TET to be conducted by the appropriate Government as one of the eligibility condition for appointment to the post of Teacher for taking standards 1 to 8. Insofar as the petitioner is concerned, he was appointed in a private minority aided school. Whether the qualification of TET for appointment to the post of Teacher is mandatory for the private minority aided or unaided school is under consideration of the Hon'ble Supreme Court of India. Insofar as claiming incentive increment for the additional qualification acquired by the petitioner, the same has already been dispensed with by the Government order in G.O. (Ms) No. 95, Personnel and Administrative Reforms (FR-IV) Department, dated 26.10.2023.

3. Therefore, the claim of the petitioner seeking incentive increment for his additional qualification of MA degree cannot be considered and he is entitled only for lumpsum amount for the post graduation degree. As such, the respondents are directed to grant lumpsum amount to the petitioner within a period of eight weeks from the date of receipt of copy of this order. Insofar as the sanction of annual increment is concerned, the petitioner is entitled for the same subject to the result of the appeal pending before the Hon'ble Supreme Court of



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India.

4. With the above direction, this writ petition is disposed of.

There shall be no order as to costs.

20.03.2024

Index : Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN, J.

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To

- 1.Principal Secretary to Government,
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Fort St.George, Secretariat,
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- 2.The Commissioner of School Education,
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