



WEB COPY

W.P.No.10504 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE **D. BHARATHA CHAKRAVARTHY**

W.P.No.10504 of 2024
and WMP.No.11505 of 2024

1. V .Geetha
2. K. Tamilselvi

... Petitioners

-Vs-

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
2. The Director of School Education
DPI Campus College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Erode District.
4. Bharathi Kalvi Nilayam
Higher Secondary School,
Rep.by its Secretary
Nasiyanur, Erode.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to pay the entire annual increment and selection grade due to the petitioners from the year 2011 and to fix their scale of pay in selection grade and continue to pay the same.



W.P.No.10504 of 20

For Petitioners : Mr.N.Kavitha Rameshwar

For Respondent : Mrs.S.Mythreye Chandru
Additional Government Pleader

ORDER

This writ petition is filed directing the respondents to pay the annual increment, selection grade etc., due to the petitioners from the year 2011.

2. The learned counsel appearing for the petitioners submitted that only because of the doubt entertained by the respondents regarding the necessity to possess the TET qualification as far as the petitioners who were appointed prior to 29.07.2011, the annual increments including selection grade etc. have not been paid till date. According to the learned counsel for the petitioners, the matter is no longer res-integra and catena of orders have been passed by this Court including order dated 11.01.2024

3. Mrs.Mythreye Chandru, learned Special Government Pleader who takes notice on behalf of the respondents pointed out to the order of the Hon'ble Supreme Court of India in Special Leave Petition D.No.45649 of 2023 and submitted that the matter is still at large before the Hon'ble Supreme Court.



WEB COPY

4. Heard both sides and perused the materials available on record.

5. The question as to whether the Teachers Eligibility Test (TET) is necessary or not, is a question relating to eligibility. Even as per the order of the Hon'ble Supreme Court of India in SLP in D.No.45649 of 2023 it is recorded at paragraph No.4 that the State has not challenged the necessity of TET with reference to the candidates appointed prior to 29.07.2011. In any event the same cannot be a ground to withhold annual increment, selection grade etc. so long as the petitioners continue in service. Earlier writ petition (W.P.No.693 of 2024) relied upon by the respondents was allowed on the following terms:-

6. Aggrieved by the same, the respondents preferred an appeal before the Hon'ble Supreme Court of India, in which the respondents did not challenge the direction given by the Hon'ble Division Bench of this Court for continuation of Teachers appointed prior to 29.07.2011, even without the Teacher Eligibility Test examination. Therefore, the petitioners are entitled for increment and other incentives though they did not possess TET qualification.

7. In view of the above, the third respondent is directed to pay all the increments, incentives and selection grade if any entitled by the petitioners forthwith and shall continue to pay the same.



W.P.No.10504 of 20

6. Therefore, this writ petition is also allowed on the same terms directing the respondents to sanction and disburse the annual increment, grant selection grade pay etc. and pay all the arrears due to the petitioner within a period of three months from the date of receipt of a copy of this order. If the amount is not paid within the period of three months the same shall carry interest @ 6% p.a. from the date on which the amount became due till the date of disbursement. No costs. Consequently connected miscellaneous petition is also closed.

18.04.2024

Index : Yes/No
Speaking order/Non-speaking order
dpq

To

1. The State of Tamil Nadu
Rep.by its Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai 600 009.
2. The Director of School Education
DPI Campus College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Erode District.



WEB COPY



W.P.No.10504 of 2024

D. BHARATHA CHAKRAVARTHY, J.

dpq

W.P.No.10504 of 2024
and WMP.No.11505 of 2024

18.04.2024