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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM

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

W.P. No.12571 of 2024
and W.M.P.No.13725 of 2024

N. Thirupathi ... Petitioner

/vs/

1. The Director of Elementary Education,
   Directorate of Elementary Education,
   Nungambakkam,
   Chennai District.

2. The District Educational Officer (Elementary),
   District Educational Officer,
   Pollachi,
   Coimbatore District.

3. The Block Educational Officer,
   Vaalparai – 642 127,
   Coimbatore District.

4. The Secretary,
   School Committee,
   Karamalai Group,
   Karamalai – 642 130,
   Coimbatore District. ... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records relating to the impugned order Na.Ka.No.952/A1/2022 dated 22.02.2023 passed by the third respondent, quash the same and consequently direct the respondents to continue with annual increments to the petitioner.

For Petitioner ... Ms.R.Renukadevi

For Respondents ... Mrs.Mythreye Chandru
Special Govt. Pleader for R1 to R3

**ORDER**

The writ petition has been filed challenging the impugned order dated 22.02.2023 whereby the petitioner's increment were refused to be granted on the ground that he did not pass the Teacher Eligibility Test (TET).

2. Admittedly, the petitioner was appointed on 09.02.2011 prior to the issuance of notification in G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011. Already similar cases have been dealt with



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and a Division Bench of this Court in W.A.No.313 of 2022 has allowed the claim of the teachers and held that for teachers who are appointed prior to the date of notification, a pass in Teacher Eligibility Test need not be insisted upon. As a matter of fact, in the Special Leave Petition preferred as against the said order, the State has taken an express stand that they are not pressing the appeal in respect of that portion of the order and the SLP is pending in respect of the other portion of the order of the Division Bench alone.

3. In any event, so long as the petitioner is continued in service, his appointment cannot be treated as valid for some purposes and invalid for some other purposes. When the petitioner has been duly appointed and it has already been held that for the appointment, TET is not necessary, the same cannot be once again insisted upon for grant of further increments, etc.

4. In view thereof, the writ petition is allowed and the impugned order dated 22.02.2023 passed in Na.Ka.No.952/A1/2022 shall stand



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quashed and the respondents are directed to consider the case of the petitioner for grant of all the eligible increments, pay fixation, etc., and grant him all the benefits, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Connected miscellaneous petition is closed.

**03.06.2024**

Neutral Citation: Yes/No
dpq



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**D.BHARATHA CHAKRAVARTHY , J.**

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