



WEB COPY



W.P. No.24389 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MS. JUSTICE R. N. MANJULA

W.P. No.24389 of 2021

Mr.Ravi Kumar

...Petitioner

Vs.

1.The Commissioner of Collegiate Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai- 600 006.

2.The Chief Educational Officer,
The Chief Educational Office,
Dharmapuri.

3.The District Educational Officer,
The District Educational Office,
Palacode, Dharmapuri District.

4.The Correspondent,
St. Mary's Highter Secondary School,
Harur- 636 903
Dharmapuri District.

5.The Correspondent
Sacred Heart Higher Secondary School
Selliampatty -636 809
Dharmapuri District

... Respondents



W.P. No.24389 of 2021

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the third respondent to act upon the order of this Court as reported in (2016) 7 MLJ 155 Secretary to Government v. S.Jeyalakshmi, in the batch of writ petitions, to regularize the service of the petitioner with all service and monetary benefits from the date of the appointment of the petitioner.

For Petitioner : Ms.A.Arul Mary
For Respondents : Mr.M.Rajendran
Additional Government Pleader

ORDER

The writ petition is filed for the issuance of a writ of mandamus, directing the third respondent to act upon the order of this Court as reported in (2016) 7 MLJ 155, *Secretary to Government v. S.Jeyalakshmi*, in the batch of writ petitions, to regularize the service of the petitioner with all service and monetary benefits from the date of appointment of the petitioner.

2. The petitioner was appointed in the fourth respondent minority school as BT Assistant on 05.03.2012. The proposal for approval was forwarded to the Government respondent and approval has been granted on 17.04.2012 vide Na.Ka.No.1495/AA4/2012 with effect from the date of appointment. Thereafter, the petitioner has submitted an application to the third respondent seeking annual increment on 01.03.2012 but the same was returned by stating



W.P. No.24389 of 2021

Eligibility Test (TET). Aggrieved over the same, the petitioner has filed the present writ petition.

3. Ms.A.Arul Mary, learned counsel for the petitioner submitted that the condition of passing the TET is not mandatory for the appointees of the minority schools. She further submitted that the Government Order passed in this regard in G.O.Ms.181 School Education Department dated 15.11.2011 was held to be inapplicable in the case of minority institutions and hence the petitioner has to be granted with the annual increment.

4. Attention was drawn to the judgment of the Hon'ble Supreme Court in the case of *Pramati Educational and Cultural Trust reported in (2014) 4 MLJ 486 (SC)*, wherein it was held that the entire RTE Act, 2009 is inapplicable to all type of minority institutions. Further, similarly placed persons have already filed various writ petitions in whose favour directions have been given to the third respondent to grant all service benefits and monetary benefits.

5. Mr.M.Rajendran, learned Additional Government Pleader for the respondents submitted that the judgment of the Division Bench of this High Court dated 24.08.2016 has given direction to regularize the salary of the teachers and not other benefits.



W.P. No.24389 of 2021

6. Once the G.O, which mandates the passing of TET test as a condition precedent for approval of the appointment for minority institution is held to be not applicable to the minority institutions, the approval granted by the Government has to be taken for all purposes and not only for release of salary alone. Hence, the respondents shall not give such a narrow interpretation to the earlier orders of this Court and claim that the petitioner is entitled only for salary and not for other monetary benefits. Similarly placed persons have already been granted with such relief in the earlier judicial pronouncements. Hence, the petitioner is also entitled to get the above benefits.

7. In view of the same, the writ petition stands allowed and the third respondent is directed to act upon the common order of this Court as reported in **(2016) 7 MLJ 155 Secretary to Government vs S.Jeyalakshmi** in the Batch of writ petitions and to regularise the service of the petitioner with all service and monetary benefits from the date of appointment of the petitioner. There will be no order as to costs. Consequently, connected WMP No.25693 of 2021 is closed.

24.01.2024

Index : Yes / No

Internet : Yes/ No

mrn

<https://www.mhc.tn.gov.in/judis>



W.P. No.24389 of 2021

To

- 1.The Commissioner of Collegiate Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai- 600 006.
- 2.The Chief Educational Officer,
The Chief Educational Office,
Dharmapuri.
- 3.The District Educational Officer,
The District Educational Office,
Palacode, Dharmapuri District.
- 4.The Correspondent,
St. Mary's Highter Secondary School,
Harur- 636 903
Dharmapuri District.
- 5.The Correspondent
Sacred Heart Higher Secondary School
Selliampatty -636 809
Dharmapuri District



WEB COPY



W.P. No.24389 of 2021

R. N. MANJULA, J.

(mrn)

W.P. No.24389 of 2021

24.01.2024