



WP.No.28470 of 2024

In the High Court of Judicature at Madras

Dated : 24.10.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.28470 of 2024

M.Bhuvaneswari, BT Assistant
(Maths), PLWA Higher Secondary
School, Vickramasingapuram,
Ambasamudram, Tirunelveli
District.

...Petitioner

Vs

1.The State of Tamil Nadu, rep.
by its Principal Secretary to
Government, School Education
Department, Fort St.George,
Chennai-9.

2.The Director of School
Education, DPI Campus,
College Road, Chennai-6.

3.The Chief Educational Officer,
Tirunelveli District.

4.Papanasam Labour Welfare
Association Higher Secondary
School, rep.by its Secretary,
Vickramasingapuram,
Papanasam, Tirunelveli
District.

...Respondents

PETITION 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



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petitioner from the year 2011 and to fix her scale of pay in selection grade and continue to pay the same.

For Petitioner : Ms.N.Kavitha Rameshwar
For R1 to R3 : Mrs.P.Rajarajeswari, GA

ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus directing the respondents to pay the entire annual increment and selection grade due to the petitioner from the year 2011, fix her scale of pay in the selection grade and continue to pay the same.

2. When the matter came up for hearing on 25.9.2024, this Court passed the following order :

"Mrs.S.Mythreya Chandru, learned Special Government Pleader, takes notice for respondents 1 to 3.

2. The petitioner had earlier filed a writ petition before the Madurai Bench of this Court in W.P.(MD) No.19135 of 2022. This writ petition was disposed of by order dated 23.08.2022 by issuing a direction to the Chief Educational Officer, Tirunelveli District, to consider the representation made by the petitioner and to pass



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orders within a period of eight (8) weeks. The further case of the petitioner is that the Division Bench in W.A.No.313 of 2022 etc. batch, by judgment dated 02.06.2023, made it very clear that for those persons, who are appointed prior to 29.07.2011, it is not necessary to possess TET and are eligible to be paid increments and incentives. This particular issue was not pressed even before the Apex Court where the State has filed a Special Leave Petition against the judgment passed by the Division Bench. In view of the same, the petitioner is seeking for annual increments/selection grade in the light of the subsequent developments that have taken place.

3. Learned Special Government Pleader appearing on behalf of respondents 1 to 3 shall take instructions in compliance with the earlier orders passed by this Court in W.A.No.313 of 2022 etc. batch and W.P.(MD) No.19135 of 2022 in the light of the clarification given by the Division Bench in this regard.

Post this writ petition under the caption 'for orders' on 18.10.2024."

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 to 3. In view of the limited nature of the direction this Court proposes to issue, the writ petition itself is taken up for final disposal without ordering



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notice to the fourth respondent.
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4. The short issue that arises for consideration in this writ petition is as to whether the petitioner is entitled to the annual increments and selection grade as sought for.

5. The learned counsel for the petitioner heavily relied upon Clause 5(a) of the Notification of the National Council for Teacher Education (NCTE) dated 29.7.2011.

6. For proper appreciation, Clause 5(a) of the said Notification is extracted as hereunder :

"Teacher appointed after the date of this notification in certain cases

- Where an appropriate Government or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time)."

7. The learned counsel for the petitioner further submitted that the claim made by the petitioner should be considered in line with the



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said Notification and it was also made clear that this claim must be considered de hors the judgment of the Division Bench.

8. Taking into consideration the facts and circumstances of the case and the specific plea raised by the petitioner, there shall be a direction to the petitioner to submit a fresh representation before respondents 1 and 2 along with all the relevant documents and with a copy of this order. On receipt of such a representation, respondents 1 and 2 shall deal with the same in line with Clause 5(a) of the Notification of the NCTE dated 29.7.2011 and a final decision shall be taken within a period of six weeks from the date of receipt of the fresh representation from the petitioner.

9. The writ petition is disposed of with the above directions. No costs.

RS

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N.ANAND VENKATESH,J

RS

To

- 1.The Principal Secretary to
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Director of School
Education, DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Tirunelveli District.

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