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Writ Petition No.29563 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.29563 of 2024

&

W.M.P.No.32212 of 2024

Flora Motcha Rakini. B

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its Additional Chief Secretary,
The Department of School Education (C2),
Fort St.George, Chennai - 600 009.

2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.

3.The Chief Educational Officer,
The Chief Educational Office,
Thiruvallur - 602 001.
Thiruvallur District.

4.The District Educational Officer,
The District Educational Office,
Thiruvallur - 602 001.
Thiruvallur District.

5.The Correspondent,
Sacred Heart Girls Higher Secondary School,
Kilachery, Perambakkam (Via),
Thiruvallur - 631 402.

... Respondents



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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents to grant monetary benefits of the petitioner, based on the proceedings of the third respondent dated 11.03.2022 in Na.Ka.No.8503/AA5/2021 and the consequential proceedings of the fourth respondent dated 15.02.2024 in Na.Ka.No.1327/A5/2024.

For Petitioner : Dr.Fr.Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates

For Respondents : Mrs.S.Mythreya Chandru,
Special Government Pleader [R1 to R4]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing respondents to grant monetary benefits to the petitioner based on the proceedings of the third respondent dated 11.03.2022 and the consequential proceedings of the fourth respondent dated 15.02.2024.

2. Heard Dr.Fr.Xavier Arulraj, learned Senior Counsel appearing for petitioner and Mrs.S.Mythreya Chandru, learned Special Government Pleader appearing for respondents 1 to 4.



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3. The case of the petitioner is that the fifth respondent school is a minority school and a vacancy arose in the post of BT Assistant (Science). The petitioner was appointed in the said post with effect from 02.09.2013. The proposal for appointment of the petitioner was also forwarded to the educational authorities with all relevant documents for approval. The further case of the petitioner is that the fourth respondent, through proceedings dated 05.07.2017, accorded approval and stated that the petitioner has to pass the TET examination within a period of five years as per G.O.(Ms) No.181, dated 15.11.2011.

4. On 13.08.2018, the fifth respondent school submitted proposal for the increment of the petitioner to the fourth respondent. The fourth respondent returned the said proposal stating that since the petitioner has not passed the TET examination, increment for the petitioner is being temporarily stayed.

5. The petitioner, aggrieved by the above order, filed W.P.No.17887 of 2021 before this Court challenging the proceedings of the fourth respondent. This writ petition was heard along with connected writ petitions and it was allowed by a common order dated 26.08.2021.



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6. The fifth respondent school again forwarded the proposal for increment along with the order passed by this Court to the respondents 3 and 4. The third respondent passed an order dated 11.03.2022 granting increment to the petitioner from the date of her appointment. Based on the same, the fourth respondent also passed a detailed order dated 15.02.2024. Pursuant to the same, the fifth respondent school re-submitted the proposal to grant the arrears of increment and to regularize the service of the petitioner along with all attendant benefits.

7. The grievance of the petitioner is that till date, increment has not been disbursed to the petitioner and that the petitioner is working in the said post without any increment from the year 2014. It is under these circumstances, the present writ petition has been filed.

8. In the considered view of this Court, pursuant to the earlier order passed by this Court in W.P.No17887 of 2021, dated 26.08.2021, the third respondent has already passed an order granting increment to the petitioner from the date of appointment. This was subsequently followed by the fourth respondent in the order dated 15.02.2024. In view of the same, there is no reason as to why the increment that is payable to



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the petitioner has not been paid till date. The petitioner is working without any increment from the year 2014 onwards. In view of the same, there shall be a direction to the fourth respondent to follow up the order passed by the third respondent through proceedings dated 11.03.2022 and subsequent proceedings of the fourth respondent dated 15.02.2024 and disburse the increment to the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.

This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected Miscellaneous Petition is closed.

17.10.2024

Neutral Citation: Yes/No
Index: yes/no
Speaking Order/Non-Speaking Order
gm

To

- 1.The Additional Chief Secretary,
The Department of School Education (C2),
Fort St.George, Chennai - 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai - 600 006.



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N.ANAND VENKATESH, J

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3.The Chief Educational Officer,
The Chief Educational Office,
Thiruvallur - 602 001.
Thiruvallur District.

4.The District Educational Officer,
The District Educational Office,
Thiruvallur - 602 001.
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