



W.A(MD) No.391 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A(MD) No.391 of 2021
and
C.M.P.(MD)No.1424 of 2021**

- 1.The Secretary to Government,
Department of School Education,
St.George Fort,
Chennai-600 009.
- 2.The Director of School Education,
DPI Compound,
College Road, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
Sankarankovil Educational Officer,
Tirunelveli District.

... Appellants / Respondents

Vs

1.K.Mariappan

... 1st Respondent / Writ Petitioner



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2.The Correspondent,
The Hindu Nadar Uravinmurai Committee,
Higher Secondary School,
T.N.Pudukudi Puliangudi,
Tirunelveli District.

... 2nd Respondent / 5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 05.02.2020 made in W.P.(MD)No. 13523 of 2019 and dismiss the writ petition.

For Appellants : Mr.V.Om.Prakash

Government Advocate

For Respondents : Mr.D.Nallathambi

for M/s.Ajmal Associates

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2.The writ petitioner / first respondent Mariappan herein was appointed as B.T.Assistant (Science) in Hindu Nadar Uravinmurai Committee Higher Secondary School, Puliangudi. It is a non-minority institution. The appointment was made on 20.12.2010. The appointment



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was also approved on 07.02.2011. However, the department did not sanction yearly and incentive increment and other allowances on the ground that the writ petitioner did not possess TET. Hence, the first respondent filed W.P.(MD)No.13523 of 2019. The writ petition was allowed vide order dated 05.02.2020. Questioning the same, this appeal has been filed.

3. The Hon'ble Division Bench in Writ Appeal No.313 of 2022 etc., batch dated 2.06.2023 (The Director of School Education Vs. M.Velayutham) held as follows:-

“ (a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.”



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4. In the case on hand, the appointment was made prior to the cut-off date. Therefore, the appointee in this case will be entitled to continue in service and also received increments and incentives. But for promotional prospects, the appointee must acquire TET qualification. This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (R.P., J.)
27.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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