



W.P.(MD).No.1418 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.01.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1418 of 2024

Correspondent,
R.C.St.Cecilia's Middle School,
Manamadurai-630 606,
Sivagangai District.

... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Sivagangai,
Sivagangai District.

2.The Block Educational Officer,
Manamadurai,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to open the Service Register, sanction annual increments, surrender leave benefits, medical leave benefits, to include in the contributory pension scheme and other allowances towards the Sr.A.Sanes Mary as BT Assistant Tamil in the petitioner's school from the date of her appointment i.e., 14.06.2013.

For Petitioner : M/s.A.Amala



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For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the respondents 1 and 2 herein to open the Service Register, sanction annual increments, surrender leave benefits, medical leave benefits, to include in the contributory pension scheme and other allowances towards the Sr.A.Sanes Mary as BT Assistant Tamil in the petitioner's school from the date of her appointment i.e., 14.06.2013.

2. The petitioner school, namely R.C.St.Cecilia's Middle School, Manamadurai is administered by the Roman Catholic religious nuns belonging to the Congregation of Immaculate Conception. The school received grant-in-aid from the Government for 1 Headmistress, 7 BT Assistants, 20 Secondary Grade Teachers, 1 Physical Education Teacher and 1 Sewing Teacher. One post of BT Assistant (Tamil) fell vacant on 01.06.2012 due to the retirement of one V.Loorthu Mary on 31.05.2012. In that vacancy, the petitioner school appointed a fully qualified candidate, namely A.Sanes Mary as BT Assistant (Tamil) with effect from 14.06.2013. A proposal seeking approval of the



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appointment of the incumbent was sent to the respondents. However, the then Assistant Elementary Educational Officer refused to approve the appointment for the reason that the said teacher did not pass TET examination. Hence, the petitioner had filed W.P(MD)No.13365 of 2017 and this Court was pleased to dispose of the same vide order, dated 22.12.2017. In view of the same, her appointment was approved by the District Elementary Educational Officer vide proceedings, dated 04.01.2018. Thereafter, the petitioner school approached the respondents in person on several occasions and also by submitting representations to the respondents on 12.06.2019, 21.10.2020, 07.07.2021 and 10.08.2022 requesting to disburse the annual increment and other benefits to the said teacher. However, the same was not considered. Hence, this writ petition came to be filed.

3. The matter in hand is no more *res integra*. It is a settled proposition of law that it is not mandatory for the teachers working in the minority institution teachers to get qualified in TET examination. In view of the same, this Court directs the respondents 1 and 2 to open Service Register and sanction annual increments and other benefits to Sr.A.Sanes Mary as BT Assistant (Tamil) in the petitioner's school subject to the outcome of the Special Leave Petition



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(Civil) Diary No.17702 of 2021 pending before the Hon'ble Supreme Court of India.

4. With the above said observations, this Writ Petition stands disposed of. No costs.

29.01.2024

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

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To

1.The District Educational Officer (Elementary),
Sivagangai,
Sivagangai District.

2.The Block Educational Officer,
Manamadurai,
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L.VICTORIA GOWRI, J.

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