



W.A(MD) No.988 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 27.11.2024

CORAM

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

W.A(MD) No.988 of 2022
and
C.M.P.(MD)No.7969 of 2022

- 1.The Director of School Education,
(Higher Secondary), Chennai-6.
- 2.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 3.The District Educational Officer,
Devakottai, Sivagangai District. ... Appellants / Respondents

Vs

St.Joseph's Higher Secondary School,
Rep. by its Correspondent,
Sekkakudi Thiruvengampatti via,
Sivagangai District. ... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 02.03.2021 made in W.P.(MD)No. 3438 of 2021 and dismiss the writ petition.



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For Appellants : Mr.V.Om.Prakash
Government Advocate
For Respondent : Ms.A.Amala

ORDER

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

Heard both sides.

2. The respondent herein is a minority institution. It appointed one Mrs.Arul Isabella as B.T.Assistant (Tamil) on 01.04.2013. Her appointment was approved on 16.03.2017. However, the District Educational Officer, Devakottai issued the order on 30.12.2020 declining the annual increments and other attended benefits. Challenging the same, the school management filed W.P.(MD)No.3438 of 2021. The writ petition was allowed vide order dated 02.03.2021. Challenging the same, this intra-court appeal has been filed by the department.

3. It is well settled that the teacher working in a minority institution need not possess TET. When her appointment was approved, the authority are not justified in withholding annual increments and other



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attended benefits. The order impugned in this writ appeal is sustained.

The writ appeal is dismissed. 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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