



W.P.(MD).No.2748 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.2748 of 2024

and

W.M.P(MD) No.2753 of 2024

J.Maira Pushpa Daisy

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli District.

2. The District Educational Officer,
(Secondary),
Tirunelveli District.

3. The Correspondent,
Child Jesus Girls Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the second respondent in his proceedings in Na.Ka.No.2231/A3/2020, dated 22.02.2021 and quash the same and direct the respondents to sanction the selection grade from 01.06.2022 and yearly increment from the year 2013 onwards with all consequential benefits.



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For Petitioner : Mr.V.Panneer Selvam

For R1 and R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant writ petition has been filed by a B.T. Assistant (Tamil Pandit) working in Aided Minority Institution, challenging the order passed by the District Educational Officer, wherein the request of the petitioner for disbursement of annual increment has been rejected on the ground that the petitioner has not passed TET Examination.

2. Hon'ble Division Bench of this Court in W.A.No.313 of 2022 and Batch cases, by a judgment, dated 02.06.2023, in Paragraph 71.1, has clarified, that, for being appointed as a teacher in a minority institution, a pass in TET examination is not mandatory. Once the Hon'ble Division Bench has held that a pass in TET examination is not mandatory for being appointed as a teacher in a minority institution, it follows that the appointee would be entitled to all other consequential benefits, including payment of annual increments. Therefore, the order impugned in the writ petition is liable to be



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set aside and the same is hereby set aside. The respondents 1 and 2 are directed to confer the eligible annual increments to the writ petitioner within a period of twelve weeks from the date of receipt or production of copy of this order.

3. The Hon'ble Division Bench of this Court in W.A(MD) No.1228 of 2022, by judgment, dated 23.08.2024 has dismissed an appeal filed by the Educational Authorities and directed the grant of appropriate increments and allowances to the Teacher within a period of twelve weeks from the date of receipt of a copy of the judgment.

4. In view of the above said judgments, the order impugned in the writ petition is set aside and the respondents are directed to sanction the eligible annual increments from the due date with all consequential benefits, within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

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

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Tirunelveli District.
3. The Correspondent,
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R.VIJAYAKUMAR,J.

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