



W.A(MD) No.245 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.245 of 2021
and
C.M.P.(MD)No.733 of 2021

- 1.The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.
 - 2.The Block Educational Officer,
Tenkasi, Tirunelveli. ... Appellants / Respondents 1 & 2
- Vs
- 1.Mariammal ... 1st Respondent / Writ Petitioner
 - 2.The Correspondent,
R.C.Primary School,
Tenkasi, Tenkasi Taluk,
Tirunelveli District. ... 2nd Respondent / 3rd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 26.09.2019 made in W.P.(MD)No. 20749 of 2019 and dismiss the writ petition.



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For Appellants : Mr.V.Om.Prakash
Government Advocate
For Respondent : Mr.P.Chellapandian
for R1

ORDER

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

Heard both sides.

2. The writ petitioner herein was appointed as secondary grade teacher in R.C.Primary School on 13.06.2011. Her appointment was also approved on 19.06.2017. However, her yearly and incentive increment were not sanctioned and other benefits were not provided on the ground that she did not possess TET qualification. Hence, seeking appropriate direction in this regard, she filed W.P.(MD)No.20749 of 2019. The writ petition was allowed vide order dated 26.09.2019. Questioning the same, this writ appeal has been filed by the department.

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



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other 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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