



W.A(MD) No.561 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.561 of 2021
and
C.M.P.(MD)No.2590 of 2021

- 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

Sahayarani Girls Higher Secondary School,
Rep. by its Correspondent,
Soosaiyapparpattinam,
Kalayarkovil,
Sivagangai District. ... Respondent / Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 15.12.2020 made in W.P.(MD)No. 17863 of 2020 and dismiss the writ petition.



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For Appellants : Mr.V.Om.Prakash
Government Advocate
For Respondents : Mr.R.Devaraj

ORDER

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

Heard both sides.

2. The first respondent herein is a minority institution. One Sahayaselvi was appointed as BT Assistant (Science) on 01.07.2018. Her appointment was approved on 07.02.2018 with effect from 04.07.2017. On 05.10.2020, the increment proposal was sent to the District Educational Officer, Devakottai. The proposal was returned on the ground that the teacher had not acquired TET qualification. Hence, the school management filed W.P.(MD)No.17863 of 2020. The writ petition was allowed on 15.12.2020. Challenging the same, this writ appeal has been filed.

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 annual increment and other



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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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