



W.A(MD) No.559 of 2021

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**

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- 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. 17852 of 2020 and dismiss the writ petition.



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For Appellants : Mr.V.Om.Prakash
Government Advocate
For Respondents : Mr.R.Devaraj
for R1

ORDER

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

Heard both sides.

2. One O.Muthukumar was appointed as B.T.Assistant (History) on 04.06.2012 in Sahayarani Girls Higher Secondary School, Soosaiyapparpattinam, Kalayarkovil. It is a minority institution. The appointment was approved on 13.03.2017 with effect from 05.06.2012. However, the actual increment for the said teacher were not sanctioned. Hence, proposal was sent to the District Educational Officer, Devakottai on 05.10.2020. On 06.11.2020, the proposal was returned on the ground that Muthukumar has not secured TET qualification. Challenging the said stand of the department, the school management filed W.P.(MD)No. 17852 of 2020. The writ petition was allowed on 15.12.2020. Challenging the same, this intra-court appeal has been filed.



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3. After hearing the learned counsel on either side, we are more than satisfied that there is no merit in this writ appeal. The Hon'ble Supreme Court in the decision reported in **(2014) 8 SCC 1 (Pramati Educational and Cultural Trust v. Union of India)** held that the department cannot insist that teachers working in minority schools should have Teacher Eligibility Test qualification. Therefore, the respondent authority was not justified in holding that the writ petitioner should possess TET for claiming yearly increment and other allowances.

4.As rightly pointed out by the learned counsel for the writ petitioner, when once the appointment of the writ petitioner had been approved, then he is entitled to all other consequential benefits.

5.In this view of the matter, the order impugned in this writ appeal is sustained and the writ appeal is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

(G.R.S., J.) (R.P., J.)
27.11.2024

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