



DATED : 25.03.2024

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.7293 of 2024

... Petitioner

$$V_S$$

1. The Director,
Directorate of School Education,
Subba Road Avenue,
No. 17, College Road,
Nungambakkam, Chennai 08.
2. The Chief Educational Officer,
Chief Educational Office,
Tenkasi Main Bus Station,
Tenkasi, Tenkasi District 627 811.
3. The District Educational Officer,
District Educational Office,
(IInd Grade Teacher), Tenkasi,
Tenkasi District.
4. The Correspondent,
St. Josephs High School,
Veikalipatti, Tenkasi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 2nd and 3rd respondents herein to implement the order in Na.Ka.No. 788/Aa1/2022, dated 05.01.2023 on the file of 3rd respondent by considering petitioner representation on 03.02.2024, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr. D.Balamurugapandi

For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the 2nd and 3rd respondents to implement the order in Na.Ka.No. 788/Aa1/2022, dated 05.01.2023 on the file of 3rd respondent by considering petitioner representation on 03.02.2024, in accordance with law, within the time stipulated by this Court.

2.By consent of both parties, considering the limited relief sought for by the petitioner, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.Heard, the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Perused the materials on record.



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4.(i).The petitioner was appointed as BT Assistant in Science in Veramamunivar R.C. High School, Tenkasi, Tirunelveli district on 26.09.2011 in the vacancy caused due to the retirement of one E.Joseph Peter. The third respondent has approved the same on 26.09.2012. However, monetary benefits has not been disbursed so far, including annual increments, earned leave, arrears, etc. and the refixation of salary towards 7th pay commission for the reason that the petitioner has not passed teachers eligibility test (TET). Thereafter, on 26.09.2011, she was appointed as BT assistant in Science in St. Joseph High School, Vaikalipatti, i.e. before the implementation of TET vide G.O.Ms.No.181, dated 15.11.2011. In the meanwhile, the Hon'ble Apex Court held that, in so far as the teachers in the minority institutions are concerned, passing of TET is not mandatory, by Judgment reported in 2016 (7) MLJ 155.

(ii).In these circumstances, on 12.12.2018, the petitioner requested the respondents to sanction her with monetary benefits. However, the same was not considered. Hence, she filed a writ petition in W.P(MD) No.7125 of 2021 before this Court and this Court passed favourable order to the petitioner on 29.03.2021. Pursuant to the same, the respondents did not sanction the monetary benefits to which the petitioner is entitled to.



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(iii).Aggrieved over the same, the petitioner filed a contempt petition in Cont.P(MD) No. 1583 of 2022, following which, the third respondent passed the proceedings in dated 05.01.2022, thereby, sanctioning an amount of Rs. 8,08,764/- to the petitioner. However, so far the same has not been disbursed to the petitioner by implementing the proceedings of the third respondent dated 05.01.2022. Therefore, she made a representation before the respondent on 03.02.2024 seeking to disburse the said amount. However, the same was not considered. Hence, this writ petition came to be filed.

5.The learned Government Advocate on oral Instructions submitted that though the proceedings has been passed in favour of the petitioner, unless and until the fourth respondent forward the said proposal to the third respondent, the same could not be considered.

6.In view of the above submission, the fourth respondent is directed forthwith to send a proposal to the third respondent and thereafter, on receipt of the proposal, the third respondent is directed to pass appropriate orders based on the proposal forwarded by the fourth respondent in line with



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the representation of the petitioner, dated 03.02.2024, within a period of eight (8) weeks from the date of receipt of copy of this order.

7.With the above direction, this writ petition stands disposed of.

There shall be no order as to costs.

25.03.2024

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

PNM

To

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L.VICTORIA GOWRI, J.

PNM

**ORDER IN
W.P.(MD).No.7293 of 2024**

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