



W.A(MD) No.1048 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.1048 of 2021

and

C.M.P.(MD)No.4687 of 2021

1.The District Educational Officer,
O/o.the District Educational Office,
Sankarankovil,
Tirunelveli District.

2.The Block Educational Officer,
O/o.the Block Educational Office,
Vasudevanallur,
Tenkasi District.

... Appellants / Respondents

Vs

1.K.Priyanka

... 1st Respondent / Writ Petitioner

2.The Secretary,
Selvapackiam Primary School,
R.Mettupatti,
Ramanathapuram Post,
Tenkasi District.

... 2nd Respondent / 3rd Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Order dated 07.12.2020 made in W.P.(MD)No. 17814 of 2020 and dismiss the writ petition.

For Appellants : Mr.V.Om.Prakash

Government Advocate

For Respondents : Ms.R.Geethanjali
for M/s.Ajmal Associates

ORDER

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

Heard both sides.

2. The writ petitioner / first respondent herein was appointed as secondary grade teacher on 23.02.2011 in Selvapackiam Primary School, R.Mettupatti, Thenkasi District. It is a non-minority institution. The writ petitioner did not possess TET qualification. However, her appointment was approved on 15.03.2011.



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3. The Hon'ble Division Bench in W.A.No.313 of 2022 etc., batch dated 02.06.2023 held as follows:-

“(a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.”

4. Therefore, the writ petitioner was very much entitled to yearly and incentive increments. Since it was not granted, she filed W.P. (MD)No.17814 of 2020. The writ petition was allowed vide order dated 07.12.2020 in the following terms:-



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“6. In view of the above, this Court is of the view that the petitioner was appointed as Secondary Grade Teacher on 23.02.2011 and she does not require to acquire the TET qualification. Therefore, this writ petition is allowed and the respondents are directed to disburse the incentive increments along with the arrears of salary to the petitioner within a period of eight weeks from the date of receipt of a copy of this order without insisting the petitioner to possess the TET qualification.”

Questioning the same, this intra-court appeal has been filed.

5. Since the order passed by the learned single Judge is in consonance with the order of the Hon'ble Division Bench, we sustain the same. There is no merit in the writ appeal. The writ appeal stands 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
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