



W.P.(MD).No.11756 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.11756 of 2021
and W.M.P(MD) No.9240 of 2021

M.Mahadevan

... Petitioner

Vs

1. The Director of School Education,
DPI Campus, College Road, Chennai-600 006.
2. The Chief Educational Officer,
Trichirappalli Educational District,
Trichy.
3. The District Educational Officer,
Manaparai Education District,
Manaparai, Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pass orders for granting annual increment to the petitioner in the post of Tamil Pandit/B.T. Assistant (Tamil), working in Holy Family RC Higher Secondary School, Ammapettai-1, Trichy District and granting incentive increment for having acquired B.Ed. Degree qualification, based on the representation submitted by the petitioner, dated 20.01.2020, with all consequential and other attendant benefits including payment of interest, within a time frame to be fixed by this Court.



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For Petitioner : Mr. F.Deepak

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the the respondents to pass orders for granting annual increment to the petitioner in the post of Tamil Pandit/B.T. Assistant (Tamil), working in Holy Family RC Higher Secondary School, Ammapettai-1, Trichy District and granting incentive increment for having acquired B.Ed. Degree qualification, based on the representation submitted by the petitioner, dated 20.01.2020, with all consequential and other attendant benefits including payment of interest, within a time frame to be fixed by this Court.

2.The facts which led to the filing of writ petition is as follows:

Having qualified in B.Lit with Tamil Pandit Training and B.A(Tamil), the petitioner, who belong to Schedule Caste community was appointed as Tamil Pandit in a non-minority aided High School, Thiruvanaikoil, Trichy vide order, dated 24.12.2011. The petitioner joined in the post on 03.01.2012 and his appointment was duly approved by the Department vide order, dated 18.07.2012. However, the petitioner's annual



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increment was not sanctioned. Hence, he made a representation, dated 20.01.2020 requesting the respondents to pass appropriate orders for grant of annual increment to the post of Tamil Pandit/B.T Assistant (Tamil). Since the same was not considered, this writ petition came to be filed.

3.Mr. F.Deepak, the learned counsel for the petitioner submitted that, the petitioner is currently working in Holy Family RC Higher Secondary School, Ammapettai, Trichy District and he came to be deployed by the respondent authorities from the non-minority aided High School, in which, he was originally serving. Since the appointment of the petitioner was sanctioned and approved as early as on 18.07.2012, the learned counsel insisted that grant of annual increment is automatic and pressed for allowing the writ petition.

4.Per contra, the learned Additional Government Pleader submitted on the basis of the counter filed by the second respondent that, qualifying in TET is mandatory for teachers appointed in aided School for grant of annual increment and hence, the petitioner is not entitled for sanction of grant of annual increment, since he has not qualified in TET.



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(ii).The learned Additional Government Pleader drew my attention to the decision of Division Bench of this Court in W.A.No.933 of 2022, dated 19.06.2023, in which, the Division Bench of this Court mandated that any appointee appointed to the post of secondary grade teacher after 29.07.2011 must necessarily possess TET and hence, pressed for dismissal of the writ petition.

(iii) However, he fairly conceded the fact that in this case, the respondents only deployed the petitioner, who was serving in a non-minority aided High School, for which, qualification of TET cannot necessarily be insisted upon by the respondent authorities and the said matter is still pending before the Hon'ble Apex Court in SLP No.2691 of 2022.

4.Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents. Perused the materials available before this Court.

5.The matter in the instant case is no more *res-integra*. In WP(MD) No.8313 of 2020 etc., batch dealt with similar case and categorically held that once the appointments are approved by the authorities and the same



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still holds good, the petitioners ought to have brought the petitioner under regular time scale of pay and the annual increment is part and parcel of the time scale of pay system, being adopted for permanent employees/Teachers of the Government is concerned.

6.I have dealt with a similar case in W.P(MD) No.12254 of 2021, vide order, dated 12.10.2023 allowed the aforesaid writ petitions. In yet another case in W.P(MD) No.6099 of 2021, dated 26.09.2023, I have dealt with a similar issue and relevant portion is extracted as follows:

“4.The 3rd respondent had filed a counter and the learned Government Advocate submitted that getting qualification of TET is necessary for approval of grant of annual increment. Since the said Karthika did not qualify TET, she is not entitled for annual increment and on that line, he pressed for dismissal of the writ petition. He further submitted that in the case of B.Annie Packiarani Bai Vs. The Director of School Education, the department have already preferred a SLP in SLP(Civil) Diary No. 17702 of 2021 with respect to the issue of teachers of minority institution be qualified in TET and the same is pending before the Hon’ble Apex Court. However, no interim orders have been passed by the Hon’ble Apex Court. In view of the pendency of the said SLP, the learned Government Advocate pressed for dismissal of the writ petition.

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6. However, this issue is no more *res integra*. Considering the fact that already this court in W.P(MD)Nos.1187 and 1189 of 2020 and batch had considered a similar case of 4 teachers in the same school and had passed favourable orders pertaining to the same impugned order, dated 19.12.2018 of the District Educational Officer, this Court is inclined to quash the impugned order, dated 19.12.2018. The petitioner school is directed to submit fresh proposal seeking grant of annual increment of the petitioner to the 3rd respondent and on receipt of the same, the 3rd respondent is directed to release the annual increment of J.Karthika in the light of the decisions of the Hon'ble Division Bench of this Court reported in 2016 (5) CTC 639 (*The Secretary to Government Vs. S.Jeyalakshmi*) within a period of eight (8) weeks from the date of receipt of a copy of this order.”

7. In view of the same, I fully fortified by the order passed by this Court in the writ petitions discussed supra. I hereby direct the respondents to pass orders in favour of the petitioner by sanctioning grant of annual increment in the post of Tamil Pandit / B.T.Assistant (Tamil) based on his representation, dated 20.01.2020 within a period of 12 weeks, from the date of receipt of copy of this order. However, I make it clear that the petitioner is not entitled for payment of interest with respect to the annual increment.



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8.In the above terms, this Writ Petition stands allowed. No costs.

Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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DPI Campus, College Road, Chennai-600 006.

2. The Chief Educational Officer,
Trichirappalli Educational District,
Trichy.

3. The District Educational Officer,
Manaparai Education District,
Manaparai, Trichy District.



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L.VICTORIA GOWRI, J.

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ORDER IN
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