



W.A.(MD)No.458 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.458 of 2022
and
C.M.P(MD)No.4354 of 2022**

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
Department of School Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
College Road, Chennai - 600 006.
- 3.The Chief Educational Officer,
Ramanathapuram,
Ramanathapuram District.
- 4.The District Educational Officer,
Paramakudi,
Ramanathapuram District. ... Appellants / Respondents

Vs.

The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam,
Ramanathapuram District. ... Respondent / Writ Petitioner



W.A.(MD)No.458 of 2022

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 29.09.2020 passed in W.P.(MD).No.12935 of 2020 and dismiss the writ petition.

For Appellants : Mr.V.OM.Prakash,
Government Advocate.

For Respondent : Mr.V.Ragatheesh Kumar

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.Mr.M.Leve Kulanthdairaj was appointed as B.T.Assistant (Tamil) in Sacred Heart Higher secondary School, Thiruvarangam, Ramanathapuram District on 05.01.2018. The appointment was duly approved by the District Educational Officer, Paramakudi on 15.05.2018. However, the department declined to release the annual increment and other benefits. To this effect, the order dated 08.09.2020 was also passed by the District Educational Officer, Paramakudi. Challenging the same, the school management filed W.P.(MD)No.12935 of 2020. The writ



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petition was allowed vide order dated 29.09.2020. Challenging the same, the department filed this intra-court appeal.

3.Our attention is drawn to the order dated 23.06.2023 rendered in W.A.(MD)No.592 of 2021 (The Director of School Education (Higher Secondary), Chennai -6 Vs. St.John's Girls Higher Secondary School, Rep. by its Correspondent, Velimuthu Vilakku) in which it has been held that once the appointment is approved by the competent authority, the question of withholding increment alone does not arise because if the appointment is approved, the teacher is eligible to get salary as well as all other perquisites, including the increment.

4.The order impugned in this writ appeal is in consonance with the aforesaid decision of the Hon'ble Division Bench. Interference with the impugned order is not warranted. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
22.11.2024

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