



W.P.(MD).No.17115 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17115 of 2021

J.Kalpana

... Petitioner

Vs

1. The Chief Educational Officer,
Pudukkottai District.
2. The District Educational Officer,
Iluppur, Pudukkottai District.
3. V.V. Higher Secondary School,
Rep. by its Secretary, Ponnamaravathy 622 407,
Pudukkottai District.
4. The Headmaster,
V.V. Higher Secondary School,
Ponnamaravathy 622 407,
Pudukkottai 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 1 and 2 herein to sanction annual increments, Earned Leave benefits and other monetary benefits forthwith to the petitioner in the light of the orders issued by this Court, dated 29.07.2021 in WP Nos. 23999 and 24003 of 2019.



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For Petitioner : Mr.E.V.N.Siva

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the respondents 1 and 2 herein to sanction annual increments, earned leave benefits and other monetary benefits forthwith to the petitioner in the light of the orders issued by this Court, dated 29.07.2021 in WP Nos. 23999 and 24003 of 2019.

2.The petitioner was appointed as a B.T.Assistant (Tamil) in the third respondent School on 19.10.2010 with the prior approval of the Education Department. The petitioner's appointment was approved and her salary was disbursed with effect from 19.10.2010. However, the annual increments, earned leave benefits and other monetary benefits were not sanctioned on the ground of not qualifying in Teachers Eligibility Test. In this regard, the petitioner has made a representation to the respondents on 23.08.2021 and the same was not considered. Hence, this writ petition came to be filed.



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4.The second respondent has filed a counter affidavit and the learned Additional Government Pleader appearing for the respondents submitted that, the petitioner is not entitled to seek annual increments until and unless she has passed Teachers Eligibility Test and since her appointment came to be made, after the crucial date on 23.08.2010, ie., the date of implementation of NCTE notification prescribing Teachers Eligibility Test as minimum qualification for the Teacher/B.T.Assistant.

5.However, the learned counsel for the the petitioner drew my attention to the Judgment of the Hon'ble Division Bench of this Court in W.A.No.313 of 2022 etc., batch, in which, the Hon'ble Division Bench vide order, dated 02.06.2023 has issued several directions and the relevant portion of the same is extracted hereunder:

“74. For the sake of clarity and ease of reference, the upshot of the above discussion is as under:

(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



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necessarily possess TET, failing which they will not be eligible for promotion”.

6.I fully fortified by the aforesaid decision of this Court and considering the fact that the petitioner came to be appointed on 19.10.2010, ie., prior to 29.07.2011 as pointed in the aforesaid decision, I am of the considered view that the petitioner is entitled to the relief as claimed by him.

7.In view of the above, the respondents 1 and 2 are hereby directed to sanction annual increments, earned leave benefits and other monetary benefits to the petitioner within a period of eight weeks from the date of receipt of copy of this order.

8.With the above direction, this writ petition stands disposed of.
There shall be no order as to costs.

02.07.2024

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



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L.VICTORIA GOWRI, J.

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ORDER IN
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