



W.A.(MD)No.459 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.11.2024

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

**W.A.(MD)No.459 of 2022
and
C.M.P.(MD)No.4346 of 2022**

1.The Chief Educational Officer,
Sivagangai,
Sivagangai District.

2.The District Educational Officer,
Sivagangai,
Sivagangai District.

... Appellants / Respondents 1 & 2

Vs.

1.C.Michael Britto

... 1st Respondent / Writ Petitioner

2.The Correspondent,
St.Mary's Higher Secondary School,
Rajakembiram - 630 609,
Sivagangai District.

... 2nd Respondent / 3rd Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 16.03.2021 passed in W.P.(MD).No.5786 of 2021 on the file of this Court.



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

For Respondents : Ms.A.Amala for R2.

JUDGMENT

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

Heard both sides.

2.The writ petitioner / first respondent herein was appointed as B.T.Assistant (Maths) in St.Mary's Higher Secondary School, Rajakembiram on 06.12.2017. His appointment was also approved. However, the District Educational Officer, Sivagangai issued proceedings bearing அ.தி.மு.எண்.297/அ5/2021 holding that the writ petitioner is not entitled to annual increments and other allowances on the ground that he has not passed Teacher Eligibility Test. The said order was challenged in W.P.(MD)No.5786 of 2021. The writ petition was allowed on 16.03.2021 in the following terms:-



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“4.In this background, the 3rd respondent herein is granted liberty to re-present the application to 2nd respondent seeking for extension of service and monetary benefits insofar as the petitioner herein is concerned and the 2nd respondent shall consider the same on its own merits without reference to her failure to qualify in the TET and pass appropriate orders within a period of twelve weeks therefrom.”

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

3.After hearing the learned counsel on either side, we are more than satisfied that there is no merit in this writ appeal. The Hon'ble Supreme Court in the decision reported in **(2014) 8 SCC 1 (Pramati Educational and Cultural Trust v. Union of India)** held that the department cannot insist that teachers working in minority schools should have Teacher Eligibility Test qualification. Therefore, District Educational Officer, Sivagangai was not justified in holding that the writ petitioner should possess TET for claiming annual increment and other allowances.



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4.As rightly pointed out by the learned counsel for the writ petitioner, when once the appointment of the writ petitioner had been approved, then he is entitled to all other consequential benefits.

5.In this view of the matter, the order impugned in this writ appeal is sustained and the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.,)
27.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Chief Educational Officer,
Sivagangai,
Sivagangai District.
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Sivagangai,
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