



W.P.(MD).No.18582 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18582 of 2024

S.Periyasamy

...Petitioner

Vs

1.The Director of School Education,
College Road,
Chennai – 600 006.

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

3.The District Educational Officer,
Sivagangai, Sivagangai District.

4.The Correspondent,
Hameedia High School,
Salaiyoor, Ilayankudi,
Sivagangai District – 630 702.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus, directing the third respondent, District Educational Officer to release forthwith annual increment admissible to the petitioner in the post of B.T.Assistant (English) in the fourth respondent School w.e.f. 16.02.2012, with all attendant benefits including the arrears of salary thereon.



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For Petitioner : Mr.M.F.Rooshi Maas
for M/s.Isaac Chambers

For R-1 to R-3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.M.F.Rooshi Maas, learned counsel for M/s.Isaac Chambers, appearing for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 to 3.

2. This Writ Petition has been filed for issuance of Writ of Mandamus, seeking direction against the third respondent to release forthwith annual increment admissible to the petitioner in the post of B.T.Assistant (English) in the fourth respondent School w.e.f. 16.02.2012, with all attendant benefits including the arrears of salary thereon.

3. Mr.M.F.Rooshi Maas, learned counsel for the petitioner submitted that the petitioner was appointed as B.T.Assistant (English) in the fourth respondent School on 16.02.2012 and his appointment was approved by the educational authorities vide order dated 23.08.2012.



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Even though the educational authorities had granted approval to the appointment of the petitioner with effect from the date of his appointment, the petitioner's entitlement for annual increments have not been granted for the reason that he has not passed the TET eligibility at the time of his appointment.

4. However, Mr.M.F.Rooshi Maas, learned counsel for the petitioner submitted that the fourth respondent School being a Minority Institution, the condition of passing the TET is not mandatory for the appointees of the minority schools. He further submitted that the Government Order passed in this regard in G.O.Ms.181 School Education Department dated 15.11.2011 was held to be inapplicable in the case of minority institutions. Hence, the School had submitted proposals on various occasions to the respondents requesting to disburse the annual increments and other benefits. In fact, the third respondent released the annual increments to one S.M.Thippusulthan and also to other teachers, but failed to disburse the same to the petitioner. In this regard, the petitioner had given a representation on 29.12.2021 requesting the respondents to release the annual increment. Since no action was taken, the present petition is filed.



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5. Though the appointment of the petitioner has already been approved, the annual increment ought not to have denied, stating that the petitioner had not passed TET. As stated already, the law at this point is well settled in the earlier judicial pronouncements. Further, similarly placed persons have already filed various writ petitions in whose favour directions have been given to the authority concerned to grant all other benefits. Hence, the petitioner is also entitled to get the same relief as prayed.

6. In view of the above stated reasons, this Writ Petition is **allowed** with a direction to the third respondent to consider the petitioner's claim and pass orders, by granting the annual increments along with monetary benefits from the date on which he was eligible and disburse the same to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

02.08.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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R.N.MANJULA, J.

Nsr

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