



W.A(MD) No.1955 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 27.11.2024

CORAM

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

W.A(MD) No.1955 of 2021

and

C.M.P.(MD)No.8779 of 2021

1.The District Educational Officer,
Thenkasi, Thenkasi District.

2.The Block Educational Officer,
Sengottai,
Thenkasi District,
Previously called as
Assistant Elementary Educational Officer

... Appellants / Respondents 1 & 2

Vs

1.S.Seelan Jeyakumar

... 1st Respondent / Writ Petitioner

2.The Correspondent,
A.G.Primary School,
Kannupulimettu-627 809,
Thenkai District.

... 2nd Respondent / 3rd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying
this Court to set aside the Order dated 16.06.2021 made in W.P.(MD)No.

1/4



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299 of 2021 and allow the writ appeal.

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For Appellants : Mr.V.Om.Prakash

Government Advocate

For Respondents : Mrs.R.Jenifer
for R1

: Mr.A.Ajith Geethan for R2

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The writ petitioner / R1 herein was appointed as secondary grade teacher on 01.03.2011 in A.G.Primary School, Kannupulimettu, Tenkasi District. The said school is a minority institution. The appointment of the writ petitioner was approved on 14.07.2011. However, the Block Educational Officer, Sengottai vide order dated 25.09.2017 held that the writ petitioner will not be entitled to yearly increment, since he did not possess TET qualification. Questioning the said proceedings, the first respondent filed W.P.(MD)No.299 of 2021. The writ petition was allowed on 16.06.2021. Challenging the same, this writ appeal has been filed.



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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, the Block Educational Officer, Sengottai was not justified in holding that the writ petitioner should possess TET for claiming yearly increment and other allowances.

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. Consequently, connected miscellaneous petition is closed. No costs.

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

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